

ANTTI TAHVANAINEN

RHETORIC AND PUBLIC SPEECH
IN ENGLISH REPUBLICANISM
1642-1681

Academic dissertation to be publicly discussed, by due permission of
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“For his opinion touching the gouernment of the State, it is manifest that he least of all liked the *Democracy*. And vpon diuers occasions, hee noteth the emulation and contention of the Demagogues, for reputation, and glory of wit; with their crossing of each others counsels to the dammage of the Publique; the inconstancy of Resolutions, caused by the diuersity of ends, and power of Rhetorique in the Orators; and the desperate actions vndertaken vpon the flattering aduice of such as desired to attain, or to hold what they had attained of authority and sway amongst the common people.”

- Thomas Hobbes, “Of the life and history of Thucydides,” in Thucydides, *Eight Bookes of the Peloponnesian Warre*, London: 1629.

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ABBREVIATIONS

- CPW John Milton, *Complete Prose Works of John Milton*, general ed. Don M. Wolfe, 8 vols., New Haven: Yale University Press 1953-82.
- MP Marchamont Nedham, *Mercurius Politicus* (March-April 1657) 352-356, pp. 7641-7720.
- PL John Milton, "Paradise Lost" [1667] in *The Complete Poems*, John Leonard (ed.), Penguin Classics 1998.
- PR Henry Neville, "Plato Redivivus" [2nd ed., 1681] in *Two English Republican tracts*, Caroline Robbins (ed.), Cambridge: Cambridge University Press 1969.
- PW James Harrington, *The political works of James Harrington*, John Greville Agard Pocock (ed.), Cambridge: Cambridge University Press 1977.

The year is considered to start from January.

Introduction

This is a study of the role of public speech and rhetoric in late-seventeenth-century English republicanism. It will analyse the ambivalent relationship republicanism, as a form of self-government free from domination, had with the ideal of participatory oratory and non-dominated speech on the one hand, and with the danger of unhindered demagoguery and its possibly fatal consequences to that form of government on the other. Although previous scholarship has delved deeply into republicanism as well as into rhetoric and public speech, the interplay between those aspects has only gathered scattered interest, and there has been no systematic, comprehensive study considering the variety of the republican approaches to rhetoric and public speech. The rare attempts to do so have been in the field of English literature, and these works, while commendable and useful studies in their own right, do not analyse the political philosophy of republicanism vis-à-vis public speech, but rather concentrate on republicanism as a literary culture – of prose and poetry rather than theory.¹

The basic premise of this study is that we can legitimately argue for the existence of English republicanism, considering the extent of the shared frame of references by the authors under study. However, this study will show that within the tradition of classical republicanism individual authors could make different choices when addressing the problematic topics of public speech and rhetoric, and the variety of their conclusions often set the authors against each other, resulting in the partial development of their theories through internal debates

¹ Most notably: David Norbrook, *Writing the English Republic: poetry, rhetoric and politics, 1627-1660*, Cambridge: 1999; Nigel Smith, *Literature and Revolution in England, 1640-1660*, New Haven: 1994.

within the republican tradition. The authors under study have been chosen to reflect this variety and the connections between them: the similarities between James Harrington and John Streater, and between John Milton and John Hall are shown as well the controversies between Harrington and Milton, and Streater and Hall, respectively. In addition, by analysing the writings of Marchamont Nedham the study will show that the choices were not simply limited to more, or less, democratic brands of republicanism.

By means of this analysis, the study will show that the previous attempts to assess the role of free speech and public debate, through the lens of modern, rights-based liberal political theory, have resulted in an inappropriate framework for understanding early modern English republicanism. By approaching the topics through concepts used by the republicans – legitimate authority, leadership by oratory, republican freedom – and through the frames of reference available and familiar to them – roles of education and institutions – this study will present a thorough and systematic analysis of the role and function of rhetoric and public speech in English republicanism. The findings of this analysis will be shown to have significant consequences to our current understanding of the history and development of republican political theory.

Historical background

Rhetoric and republicanism shared a common heritage, as humanism was a necessary background to republicanism, and similarly rhetoric was a crucial part of humanism. However, rhetoric, seen specifically as the art of public speaking, has historically been controversial in the republican tradition. It has been often viewed as conducive to democratic values and ideals, yet it has also been condemned, as the art of sedition and treachery, undermining political order and rational decision-making.² The study starts from a perspective that the political use of rheto-

² Literature on the subject is abundant, for a recent contribution: Benedetto Fontana, Cary J. Nederman, Gary Remer, eds., *Talking democracy: historical perspectives on rhetoric and democracy*, University Park, PA, 2004.

ric can be seen as aiming for a similar golden mean as republicanism: instead of demagoguery, with its allusions to anarchic democracy and mob rule, or fawning flattery in a tyrannical oligarchy, an ideal rhetoric in an ideal republic would lie between these two extremes.

We can trace the origins of this approach to ancient Greece, and Aristotle's description of the role of abusers of rhetoric in a tyranny, that "tyranny fauoueth the wicked, in as much as tyrans take a pleasure to be flattered, which neuer would any man of free and noble heart doe." This quote in Aristotle's *Politics* is a part of a double-pronged critique of political forms. The other target is "the people," who "desireth to be a Monarch." The "flatterer is in estimation with both of them"; that is "with the tyrans," but also "with the people." It is "the Popular captaine, who is a flatterer of the people."³ If we would speak in neo-Roman terms, or in terms of republican liberty, the problem with tyranny is the loss of liberty through the arbitrary power of the ruler, the problem of popular rule is the loss of liberty through the arbitrary power of the mob.⁴

However, there would seem to be an incompatibility between the Aristotelian approach, and the theory of republicanism as a form of government. If liberty means living in a state of non-domination in a self-governing society – that is, a society where all who are affected by decisions have a say in them – how can that freedom be lost by the very act of establishing a state of popular rule?⁵ It cannot, if we assume that

³ Aristotle, *Politiques*, Louis le Roy transl., London: 1598, 1313b-4a. In the seventeenth century the 'Popular captaine' began to be translated with the neologism *demagogue*, and in its contemporary usage the word assumed quickly a negative sense, removed from the semantically innocent meaning of 'leader of the people.'

⁴ For neo-Roman liberty as not being a slave, i.e. being free from domination, from arbitrary power, see Quentin Skinner, *Liberty before liberalism*, Cambridge: 1998. Skinner makes a valid point that 'neo-Roman' would be less unhistorical as a label than 'republican' liberty, but since along with most others, he has also adopted the 'republican' terminology, it is used in this study as well: cf. Quentin Skinner, *Hobbes and republican liberty*, Cambridge: 2008, p. ix.

⁵ Quentin Skinner, *Visions of Politics*, vol. 2: *Renaissance Virtues*, Cambridge: 2002, p. 6. See also Skinner, *Hobbes and republican liberty*, p. 64, 76. The most influential modern exposition of republicanism as a political philosophy is in Philip Pettit, *Republicanism: a theory of freedom and government*, Oxford: 1998.

all decisions should be made by majority rule. In practice, most historical, present or imaginary republics have not made such an assumption: the rule of law and constitutional arrangements have usually prevented full-blown applications of democracy as pure will of the people. As will be shown, this was the case for the authors under study, and this study will show their various ways of addressing the crucial theoretical question about the source of republican authority: while trying to avoid the extremes of pure democracy and absolute monarchy, what was to be the basis of legitimate power? And how would public speech and rhetoric fit into a republican form of government?

In an appropriate and often used Roman definition of republic, it is said to be a ‘society gathered together in one consent of law, and in one participation of profit.’⁶ This definition leaves out the political arrangements that give neither: both a lawless tyranny and popular anarchy are without rule of law or common interest. At the same time, it puts under suspicion any monarch claiming to rule lawfully and strive for the public good, as well as demagogues putting claims of public opinion above law or with regard to a merely factional interest – even if on behalf of a majority. While the anti-monarchical aspect of republicanism has been under much scrutiny, the other side of the loss of liberty has not garnered as much interest in the history of early modern political thought.

These two extremes are the essential reference points in much of republican tradition, yet in order to understand the role of public speech for English republicans, a simple assertion that they also tried to avoid demagogy, while technically correct, would be uninformative. For a fuller picture of the republican approaches it is necessary to analyse their variety. My study will show how different emphases on the ‘one consent of law’ – especially as pertains to legitimate authority – and on the definitions of ‘one participation of profit,’ – and its connections to early modern interest theory – led republicans into different approaches to the role of public speech.

⁶ As put in St. Augustine, *Of the citie of God with the learned comments of Io. Lod. Viues*, London: 1610, p. 82, quoting Cicero, *De re publica*, 1.39.

On rhetoric

Rhetoric is a loaded and contentious term, and it is thus imperative to define what is meant by rhetoric in this study. First of all, as this work belongs to the field of intellectual history rather than literary studies, the main interest is on primary rather than secondary rhetoric.⁷ That is, rhetoric is considered in its primary, political sense, as a theory of persuasion in public discourse, for the purpose of deliberation and collective decision-making. The secondary sense of rhetoric, as being a technical analysis of the means of persuasion, is of lesser importance. All of the authors under study were well drilled in the techniques of rhetoric, as it was a part of their *studia humanitatis*, and accordingly the assumption in this work is that their use of rhetoric was intentional, rather than being merely accidental, reflecting a systemic aspect of human language. Or in other words, my aim is to refer to rhetoric, as those early modern authors would have understood it.⁸ Since the purpose of this study is not to engage in a modern equivalent of an early-modern school exercise of listing all the various tropes and figures used, the only mentions of the secondary sense of rhetoric, the technical issues, are made at instances where the rhetoric used is considered relevant to the analysis of the authors' intentions.⁹ What individual authors, at various instances, presented as their preferences for the study of rhetoric will be examined in due course, but the onus of the study is firmly on the primary sense of rhetoric as a theory of public persuasion. We may begin to consider the background to this topic by asking why rhetoric should be studied at all: why should there be orators?

The classical view of a wielder of rhetoric can be found in the works of Cicero and Quintilian, where the ideal of citizenship is that of a per-

⁷ George Alexander Kennedy, *Classical rhetoric and its Christian and secular tradition from ancient to modern times*, 2nd ed., Chapel Hill: 1999, pp. 2-3.

⁸ For an example of this approach, see Quentin Skinner, *Reason and rhetoric in the philosophy of Hobbes*, Cambridge: 1996, pp. 5-6.

⁹ Unless mentioned otherwise, the references to rhetorical terms follow Richard Alan Lanham, *A handlist of rhetorical terms*, Berkeley: 1991.

fect republican orator. Through the mastery of rhetoric, a citizen could discharge his most important duties: arguing in courts of law, or advocating policies in assemblies. Without rhetoric, even a well-meaning man of impeccable morals would fail at these duties. Besides the means that rhetoric provided, the classical ideal also assumed that an orator can be great if, and only if, he is a good man as well. In the most elevated claims of the Roman rhetoricians about their own kind, the orator is not just the ideal citizen, but the embodiment of humanity in its highest form, and the pinnacle of human virtue: he is the founder of societies, a discussant of civil science, accommodator of the voice of reason, justice, equity and truth – or, if situation so requires, a combination of those aspects. It is the orator's skill at accommodating to his audience in order to get his message across, which makes him so necessary in a society, where not everyone is necessarily wise and learned.¹⁰

An education that would allow one to master the art of oratory was a common interest to the early modern republicans. Although the ideal rhetor should be a good man, and a bad one could therefore not be a masterly rhetor, it was clear from both ancient and recent history that even less than great rhetors could cause immense troubles. Education was seen as the key factor in the quest to create such soothing orators instead of inflammatory demagogues, wise counsellors instead of vicious courtiers. For a pertinent example, Marchamont Nedham and John Milton were even named by Samuel Hartlib in 1647 as prospective commissioners of educational reform.¹¹

While the connections between education in the humanities and the use of political rhetoric are well known and studied, there are some elements in the republicans' political thought that relied also on other elements of early modern political and social theories. Although they were related to classical rhetoric, topics that were not solely governed by it included: counsel, petitions, and civil conversation. A common factor is that they have all been influenced by rhetoric to some extent, or used in conjunction with rhetorical modes, but they have also been presented

¹⁰ Skinner, *Reason and rhetoric*, pp. 87-106.

¹¹ Blair Worden, "Milton and Marchamont Nedham," in *Milton and Republicanism*, eds. David Armitage et al., Cambridge: 1995, p. 160.

as alternatives to rhetoric or modes of political action, distinct from and even untainted by rhetoric. Accordingly, in earlier studies these topics have been somewhat simplistically presented as being either mere rhetoric, or against rhetoric. As each of these topics represents a large field of study in its own right, my reflections here are necessarily tentative. In the context of this study these topics, while relevant, are considered as borderline issues: they lie somewhere between rhetoric defined as eloquent persuasion, and a view of politics free from rhetoric.

The difficulty of presenting political forms of action that would rely on speech, and yet somehow be arhetorical, can be found in the views presented by Cicero concerning counsel.¹² Against the view that societies had been founded by the efforts of eloquent men in gathering and convincing the people to renounce their old ways and unite in the pursuit of common good, the character of Scaevola in *De Oratore* argued that they were “convinced by the reasoning of the wise” rather than “snared by the speeches of the eloquent.” For Scaevola, Romulus was an example of founding a commonwealth by “good counsel and singular wisdom” rather than through eloquence. Scaevola’s role is, as often in Cicero’s works, the interlocutor whose views are refuted: his definitions were artificial, as content could not be separated from the form.

Nevertheless, this goes to show that as a paradiastolic trope the distinction between wisdom and rhetoric has a long history, remaining to our day.¹³ The opponents use deceitful rhetoric, flattery, and have a hidden agenda, whereas proponents give plain, honest, transparent advice. Of course, the proponents could be accused in turn of false frankness. The intricacies of this issue have given birth to a whole genre of literature on ‘How a man may discern a flatterer from a friend.’¹⁴ In the

¹² *De Oratore*, 1.36-38.

¹³ In what follows on the question of counsel, I have benefited greatly from David Colclough, *Freedom of Speech In Early Stuart England*, Cambridge: 2005.

¹⁴ To quote the title of Plutarch’s contribution in *Morals* – fittingly, even Plutarch’s work was essentially a job application in order to become a councillor. Cf. Troels Engberg-Pedersen, “Plutarch to Prince Philopappus on How to Tell a Flatterer from a Friend,” in *Friendship, flattery, and frankness of speech: studies on Friendship in the New Testament World*, ed. John Fitzgerald, New York: 1995.

seventeenth century context, this had a particular political relevance in the counsel for princes. The language of counsel could rely on a number of ideas: on who should be a councillor, there was competition between – as well as combination of – the feudal ideas of becoming a councillor through noble birth, and humanist ideals of choosing the best councillors (unsurprisingly, those educated in humanist curriculum).¹⁵ Similarly, the justification for a plenitude of advice could be argued from biblical injunctions, classical works or renaissance humanist books on education among other sources.

A similar inclusion of rhetoric in traditional modes of politics can be seen in petitions. Unlike counsel, which was limited to the elite in a republic as well as in a princely polity, petitions were officially and traditionally meant as a way for the lower classes to air their grievances. Their content and form were regulated by custom and tradition, requiring them to be spontaneous and politically neutral complaints. This ruled out the use of rhetoric, as that would have implied premeditation and thus a hidden agenda.¹⁶ But as with counsel, spontaneity could be feigned in order to give an appearance of truthfulness. As a rhetorical scheme, this was as old a strategy as false frankness, or feigned *parrhesia*. Similarly, with skilful use of rhetoric political causes could be hidden within a professedly arhetorical petition.

The civil war era saw new developments in the uses of petitions. Besides becoming more organised, they were published in increasing numbers and often presented with added political harangues. Thus they became more openly a form of political oratory, blatantly unsponspontaneous, rhetorical, undeferring to authority, and often without any notions of secrecy or precedent.¹⁷ Of course, this was abuse that did not necessarily imply that they had become useless outside the parliamen-

¹⁵ John Guy, “The rhetoric of counsel in early modern England,” in *Tudor political culture*, ed. Dale Hoak, Cambridge: 1995.

¹⁶ On petitions I have relied on David Zaret, *Origins of democratic culture: printing, petitions and the public sphere in early-modern England*, Princeton: 2000 (esp. pp. 59, 93-5, 220). Although Zaret’s work can be criticised for its historical lapses, it nevertheless provides a useful compendium on petitions.

¹⁷ Norbrook, *Writing the English Republic*, p. 100.

tary framework: both republicans and their antagonists included petitions in their political theories.¹⁸

The main criteria in allowing petitions at all were of course that they had to be of non-controversial character, and deferential. For those aiming at something more than mere propaganda in writing petitions, it was possible to use the language of deference and intend to do something completely else. This led to constant doubts and suspicion of the use of rhetoric in petitions. Nevertheless, for the purposes of this work the study of formal petitions is of lesser importance, precisely because as soon as petitions enter the realm of politics – that is, when aiming at any higher political aims than simply asking for grace – they are ipso facto no longer petitions but public ‘speech’, texts with political character which can then be studied on their own merits.

As with counsel and petitions, civil conversation was a concept with a long history, but which went through significant changes in the early modern period. In one reading it is seen to have connection to changes in republicanism, caused by the culture of politeness. In this ‘civilizing’ view classical republicanism transforms into polite republicanism as England becomes a colonial, commercial and financial power, and accordingly, the ideals of public debating turn into ideals of polished and sophisticated conversation between well-mannered gentlemen in closed circles.¹⁹ What renders this interpretation problematic is its inconsiderate approach to rhetoric. For example, the role of Cicero should not be joined to the culture of politeness without taking into account the differences between public speech (*oratio*) and conversation (*sermo*), which were pointed out by Cicero himself, and certainly known to his seven-

¹⁸ PW 225, 251. Thomas Hobbes, *Leviathan, or the Matter, Forme, and Power of a Common-Wealth Ecclesiasticall and Civill*, London: 1651, 2.23 “those that are appointed to receive the petitions or other informations of the people, and are, as it were, the public ear.”

¹⁹ Iain Hampsher-Monk, “From virtue to politeness,” in *Republicanism: a shared European heritage. Vol. II. The values of republicanism in early modern Europe*, eds. Martin van Gelderen, Quentin Skinner, Cambridge: 2002; Lawrence Klein, “Politeness and the Interpretation of the British Eighteenth Century,” *The Historical Journal*, 45(4), 2002, pp. 869-898.

teenth century readers.²⁰ Civil conversation as a mode of speech was new to the early modern era, but it was derived from and relied on Cicero's distinction in *De Officiis* (1.132) between speech in an assembly and speech in a circle of friends. But whereas Cicero had assumed that the rules of rhetoric applied for both styles despite the different situations, the early modern era saw approaches to conversation where the use of rhetoric did not accord well with some ideals thought of as more appropriate to conversation, such as spontaneity and inclusiveness. Concomitantly, the Ciceronian view of politics as one of the main topics of conversation became unappealing, due to its conflict-prone character.²¹

The common factor to all of the above topics, which I have called borderline issues, is that at some level all of them purport to be transparent and honest ways of speaking. In more straightforward public speaking, the figure of *parrhesia* is the claim to speak frankly and honestly – if not completely without rhetoric, at least not in excess. Nevertheless, a claim is just a claim until proven otherwise, and mistrust of feigned *parrhesia* was a commonplace worry in the seventeenth century, yet it has not gathered much interest hitherto.²² Dealing with that issue is a problem for methodology, but before moving on to questions of method, it is necessary to consider the republican framework of rhetoric – that is, republicanism itself.

²⁰ Gary Remer, "Political Oratory and Conversation: Cicero versus Deliberative Democracy," *Political Theory* 27, February 1999.

²¹ Scholarship on the issue is vast, of which a sample: Daniel Javitch, *Poetry and Courtliness in Renaissance England*, Princeton: 1978, ch 1, for the notion of civil conversation as dissembling courtly rhetoric. Anna Bryson, *From courtesy to civility. Changing codes of conduct in early modern England*, Oxford: 1998, ch 5 for civil conversation as a relatively straightforward continuum from Ciceronian rhetoric. Jennifer Richards, *Rhetoric and Courtliness in Early Modern Literature*, Cambridge: 2003, intro., for civil conversation as a new mode of speech, which was derived from Cicero but underwent changes in sixteenth century. Markku Peltonen, *The Duel in Early Modern England: Civility, Politeness and Honour*, Cambridge: 2003 pp. 24, 159-60 and Peter Burke, *The art of conversation*, Cambridge: 1993, p. 92, for the notion that some aspects of rhetoric did not accord well with the ideals of conversation.

²² Important exceptions include Colclough, *Freedom of Speech*, Richards, *Rhetoric and Courtliness*.

On republicanism

Much ink has been spilled over what counts as republicanism, and a common method to this end has been to recover republican ‘credentials’ in the authors of the era under study. Historiographically this tradition dates back to Zera Fink²³ and it has been interpreted both widely and narrowly, to the extent where asking whether an author was a republican has become acceptable, not just as a research question but even as an article title for journals.²⁴ This study aims to make a partial break with this tradition. Although teasing out incipient or hidden republicanism is undoubtedly a worthy subject, the risk is that the formal characteristics of republicanism become more important, and subsequently the subjects of study become suffused solely by it.

To give an example, in a recent study John Hall is presented as ‘establishing his Royalist credentials’ with a text called *A true account*, an argument which by itself is quite plausible. Nevertheless, when considering the somewhat chaotic situation of 1646-7, the lack of an explicitly republican party or movement to support, and the ease with which numerous authors under study changed their allegiances, there are a few conclusions to be drawn. First, that republicanism was not an obvious or unstoppable development, but a second, more important point, is to question the whole notion of ideological screening for authentic republicanism. If such commitment for supposedly accurate description of authors were to be followed, we could be easily left with anachronistic monster-terms with questionable analytical value: Hall would be a ‘proto-republican Royalist’.²⁵

²³ Zera S. Fink, *The Classical Republicans: An Essay in the Recovery of a Pattern of Thought in Seventeenth Century England*, Evanston: 1962.

²⁴ Warren Chernaik, “Was Marvell a republican?” *Seventeenth Century*, 20:1 (April) 2005, pp. 77-96.

²⁵ John Hall, *A true account and character of the times, historically and politically drawn by a gentleman to give satisfaction to his friend in the countrey*, London: 1647. Nicholas McDowell, *Poetry and Allegiance in the English Civil Wars: Marvell and the Cause of Wit*, Oxford: 2008, pp. 91-3, Norbrook, *Writing the English Republic*, p. 101.

In this study, republicanism is taken to be a political tradition arising from the *studia humanitatis*, that was malleable enough to allow the authors under study to both agree on the aptness and propriety of republican approaches to the political questions of their time, and, nevertheless, to reach very different conclusions as to what the exact political solutions should be. Thus when considering their views on the role of public speech in society – real or ideal – we need not bother with considerations whether at the moment of writing down a particular argument in a particular book they were committed to republicanism with burning idealism, but rather how those arguments would fit into the republican tradition, and how that tradition would then develop and bifurcate in the course of their writings, and within the events of history.

In this study, I will make a distinction between civic humanism and classical republicanism, and my definitions will have slightly different bents from some earlier research. The term civic humanist is used to refer to a political view, which shares common classical background in ideals of civic activism, Stoicism, and natural law with classical republicanism. The two terms are often considered interchangeable, but my claim is that they are rather partially overlapping terms than synonyms. Civic humanism differs from classical republicanism in the significant respect that it is not necessarily anti-monarchical. Obviously there are authors who, in various contingencies, have straddled the fence, but from the perspective of political philosophy this division points out a crucial heuristic difference in the arguments. One can be a fervent believer in active life in politics characterised by humanist virtues, values, learning – and not be a republican. One could believe in the value of counsel to a king, rather than deferring ipso facto to a republican form of government. Of course, as the career of someone like Seneca shows, this was far from an easy thing to do. Within political theory, a strong argument could be – and was – made that civic humanism in a monarchy is inherently so difficult, as to be practically unfeasible. Indeed, with a certain generosity of spirit, even James I could be said to be a civic humanist, but hardly a republican. In turn, a classical republican by strict definition cannot be a monarchist, although in practice many were willing to admit a temporary, pragmatic or compromise approach

of having a monarch with legally limited powers. Nevertheless, for a classical republican the points of reference and ideals of government were taken from the non-monarchical ancient republics.

However, it is also important to note how the use of the classical references was as various as the intentions of the author(s). This is understandable, but it can create problems in scholarly literature. For example, Marchamont Nedham can be seen as promoting Athenian democracy over the aristocratic republic of Sparta. This has been seen to make him more democratic than Milton, as he then seems to prefer a “fundamental transition of power in the people’s favor.”²⁶ At the same time, Nedham’s view of Athens is argued to be “in a more authoritarian spirit” than Milton’s: Nedham is seen to use the Areopagus as an example of “an enlightened executive which prevented power from coming into the hands of the people.”²⁷ Between these views, it is pointed out how from the late 1651 onwards Nedham emphasised Athenian instability, while until few months earlier (and during mid-1640s) he was praising the popular liberty of Athens.²⁸ All of this just goes to show that our understanding of Athens and Sparta do tend to get in the way of our understanding of early modern authors. Ultimately we must recognise that classical examples were used by republicans to make contemporary points, with the knowledge available to them. It is beside the point to try and re-enlist them into a rerun of the Peloponnesian war – did they prefer Athens or Sparta – when we can analyse what their actual political arguments were.

The point that the republicans were not completely bound to their predecessors’ battles also means that, when considering the republicans’ writings on rhetoric, especially as pertains to institutional arrangements, we can see that classical republicans had no need to pay constant and unrelenting respect to civic humanist conceptions of learning and virtue. Accordingly, I will also put a slightly different emphasis on

²⁶ Blair Worden, “Marchamont Nedham and the Beginnings of English Republicanism,” in *Republicanism, Liberty and Commercial Society*, ed. David Wootton, Stanford: 1994, p. 67.

²⁷ Norbrook, *Writing the English Republic*, p. 222.

²⁸ Smith, *Literature and Revolution*, p. 186.

the concept of civic virtue than in some of current scholarship. This does not mean that I consider it unimportant – on the contrary, as will be shown, for many writers rhetoric was a way of exercising virtue: the virtuous task of engaging in politics, in law-courts, or promoting the republic abroad. What I aim for, is a conception of virtue that does not do away with utility, or interest. There is a strand of scholarship that perceives the notion of private interests as antithetical to virtue, so that any talk of interests can be interpreted as a desertion from the republican cause.²⁹ Similarly, liberal theorists have seen interests as a development towards broader democracy – giving everyone a stake through their legitimate interests.³⁰

However, the mid-seventeenth century saw many attempts by republicans, who acknowledged the role of private interests, to try and ensure the supremacy of virtuous politics and public interests in the republican mode. My claim is that for most republicans not only was rhetoric in the pursuit of the common interest a virtuous task, but that self-interested rhetoric was not necessarily against the common interest or morals. The way rhetoric could be harmful, was when it was short-sightedly self-interested *and* against common utility and/or morals. For many of the republicans, self-interest and common interest need not be incompatible, and there was room for a conception of objective morality as well.

Printing revolution and free speech

Interest theory has also been seen as part of an early modern effort at getting rid of rhetoric. In this strand of interpretation interests represented the unconcealed truth, independent from the forms of speech, thus making interest theory into a form of rhetoric-free political theo-

²⁹ E.g. Jonathan Scott, “The rapture of motion: James Harrington’s republicanism,” in *Political discourse in early modern Britain*, eds. Nicholas Phillipson, Quentin Skinner, Cambridge: 1993.

³⁰ Stephen Holmes, “The secret history of self-interest,” in *Beyond Self-interest*, ed. Jane J. Mansbridge, Chicago: 1990, pp. 284-5.

ry.³¹ This is seen to have taken place concomitantly with the printing revolution,³² which made rhetoric obsolete due to the durability of the printed word, and the growing amount of referable texts, which then ensured the subsequent displacement of most symbolic forms of speech, such as rhetoric.³³ The advent of printing has been depicted as the main culprit behind this decline of rhetoric, especially in the works of Walter J. Ong, where the change from oral to printed word is seen as one of the most significant changes in the history of modernisation.³⁴

However, as pertains to the forms of public speech, written or spoken, it is interesting to compare the views of different republicans. To Milton, “writing is more publick then preaching; and more easie to refutation, if need be” (CPW 2:548). Ong would have probably agreed, but James Harrington saw the matter differently: “that what a divine will have to be true, is no less public than if it were printed, but more, for he will preach it; and preaching communicates unto more than can read.”³⁵ In turn, Marchamont Nedham’s oft-repeated opposition to seditious sermons has been seen as a troubling inconsistency: how can a performed oration such as sermon, be more dangerous than journalist’s texts?³⁶ For these aforementioned republicans it was the argument at hand, and especially their enmity towards the clergy, which shaped their views on the means of delivery. The difference between written and spoken word did not mean as much for seventeenth century political writers as issues defined by rhetoric: who speaks/writes, to whom,

³¹ Niklas Luhmann, “Familiarity, Confidence, Trust: Problems and Alternatives,” in *Trust: Making and Breaking Cooperative Relations*, ed. Diego Gambetta, Oxford: 2000, p. 101; more on interest theory: J. A. W. Gunn, *Politics and the public interest in the seventeenth century*, London: 1969; Albert O. Hirschman, *The Passions and the Interests. Political Arguments for Capitalism before Its Triumph*, Princeton: 1977.

³² Elizabeth L. Eisenstein, *The Printing press as an agent of change: communications and cultural transformations in early-modern Europe*, Cambridge: 1979.

³³ Luhmann, “Familiarity, Confidence, Trust.”

³⁴ Walter J. Ong, *Ramus, method and the decay of dialogue: from the art of discourse to the art of reason*, Cambridge, Mass., 1958; and *Rhetoric, romance, and technology; studies in the interaction of expression and culture*, Ithaca: 1971.

³⁵ James Harrington, “Pian Piano” [1656] in PW 371.

³⁶ Smith, *Literature and Revolution*, pp. 33-34.

and where. This does not invalidate Ong's thesis as such, but as Hobbes wrote in chapter 4 of *Leviathan*, printing was a clever invention, but not as great as speech.³⁷

Undoubtedly, it needs to be recognised that it would have been extremely difficult for the sheer volume of pamphlets and texts of all kind, which circulated in the Civil War England, to have escaped the republican authors' notice. It may even be "the overwhelming truth" that the "theory of republican government was one made entirely within the framework of a society experiencing the intense circulation of information."³⁸ Yet as will be demonstrated, the authors under study were very flexible and pragmatic in accusing and ignoring in turns the printing revolution. Many were prolific writers who relished attacking opposing views, so any consistent vituperation of the print culture would have been self-defeating. An example of an attack on republican writings, by Roger L'Estrange, asking "whether more mischief then advantage were not occasion'd to the Christian world by the Invention of Typography,"³⁹ should be seen in a similar context of manipulation and rhetorical persuasion. L'Estrange represented the authorities and made his living by regulating print products, so it was sensible for him to amplify its dangerous powers.

The regulation of printing, and outright censorship are topics that must be taken into account when studying public speech. However, since this study deals with political arguments related to regulation of speech rather than that regulation itself, references to existing legislation on, and circumstances of, censorship will only be made when considered relevant. And as this study will consider arguments for regulation, it will also consider the arguments against it – that is, arguments for free speech.

There has been a lot of interest in writing the history of the freedom of expression – that is, free speech and free press – and accordingly numerous histories of the practice have been made. But historians of that ilk have been at pains to find early modern writers who would have un-

³⁷ Hobbes, *Leviathan*, p. 12.

³⁸ Smith, *Literature and Revolution*, pp. 186-187.

³⁹ L'Estrange, *A rope for Pol*, London: 1660, "An Advertisement to the Reader."

reservedly defended freedom of expression to all.⁴⁰ Despite the will to find such founding fathers, legal history professes that the right of free speech only comes to existence after the First World War.⁴¹ The early modern gap, between the professed statements supporting freedom of expression and the unwillingness to support it as an unalienable right, has created puzzlement among historians. A more productive approach is to bring in the role rhetoric plays: this study aims to contribute to other recent studies that have demonstrated how freedom of speech was not so much an abstract principle or a universal right, but a flexible ideal related to the rhetorical culture of debate and counsel.⁴²

The difference between free speech as a rhetorical approach and as a right is a crucial feature of this study. While the seventeenth century is undoubtedly an unfailing source for anyone looking for great quotes to argue for free speech as an unalienable right, and it certainly was a crucial period in the development towards such a conception, nevertheless free speech was not necessarily perceived as a right – especially not as a relativist right, which would have been described as licence, rather than liberty. Appeal could be, and was, made to classical principles for listening to both sides of an argument, and rhetoric as a school subject trained pupils into arguing *in utramque partem*. Yet this mildly sceptical approach should not be confused with the liberal approach advocating the inherent value of various opinions, and the right to air them without official repression. The republican idea of liberty can give strong arguments against the dangers of self-censorship and for the instrumental value of holding rulers accountable, but this is not exactly the same as the aforementioned liberal right to free speech – which does not necessitate a republican form of government.

It is a central argument of this study that the republicans' willing-

⁴⁰ Leonard Levy, *Emergence of a Free Press*, Oxford:1985; Robert W.T. Martin, *The Free and Open Press, The Founding of American Democratic Press Liberty, 1640-1800*, New York: 2001.

⁴¹ David Kairys, "Freedom of Speech," in *The politics of law: a progressive critique* (3rd ed.), ed. David Kairys, New York: 1998, pp. 190-212.

⁴² David Colclough, "Parrhesia: The Rhetoric of Free Speech in Early Modern England," *Rhetorica*, xvii, 1999, pp. 177-212; and Colclough, *Freedom of Speech*.

ness to debate did not imply that they were accepting free speech as a universal right, even if they were asserting a right, or a privilege of free speech to themselves. The seventeenth century context of these debates has been described aptly as one “which grew not from the desire to create an environment of free and open communication, but from the desire to manipulate and rhetorically persuade.”⁴³ The intention in this study is not to limit the analysis solely to the positive conceptions of freedom of speech. The reason for this is the risk of turning the study into an exercise of teleological history, where the republicans had found the good and right arguments, but failed to follow the truth to its logical and inevitable conclusion. It is just as important to analyse the role and consequences of limitations to freedom of speech in the political theories of the republicans. The essential question is not about freedom of expression as such, but about political consequences involved⁴⁴: what good, and bad, would come out of free public speech?⁴⁵

Questions of method

As I mentioned earlier, interest theory has been seen as an effort to purge language of rhetoric. In this respect, it has been seen in the context of a period of great anxiety in the seventeenth century, about the

⁴³ Joad Raymond, “The newspaper, public opinion, and the public sphere in the seventeenth century,” in *News, newspapers, and society in early modern Britain*, ed. Joad Raymond, London: 1999, p. 129.

⁴⁴ The omission of the political dimension from discussions of free public speech is notable in Stanley Fish, *There's no such thing as free speech*, Oxford: 1994, p. 103, where following the accurate claim that Milton does not allow all speech without consequences, Fish asserts that “all affirmations of freedom of expression are like Milton’s.” As will be shown in this study, free speech can be, and was promoted precisely from the perspective that the resulting consequences are of little importance when weighed against the costs of censorship. Such cost-benefit analyses had little interest in the meaningfulness of the expressions or the intentions of their makers.

⁴⁵ As a result, my work deals with issues, such as of libel and blasphemy, only as they have a bearing on the political analyses of rights, interests and their conflicts.

ambiguities of language, and rhetoric in particular. The rise of modern science during this era has been claimed as one of many historical developments, which made rhetoric obsolete. Further interpretations have seen scientific pursuits as deliberate attempts at getting rid of the ambiguity and uncertainty of rhetoric. The *History of the Royal Society* (1667) by Thomas Sprat opposed rhetoric;⁴⁶ John Wilkins' attempts at developing a universal language had an anti-rhetorical foundation;⁴⁷ the educational ideas of John Locke were against 'false rhetoric';⁴⁸ and, in more general terms, argumentation based on legal thinking⁴⁹ and mathematics⁵⁰ could to a point be presented as languages free from rhetoric. However, as the studies referred to in notes 46-50 also show, the attempts to cast rhetoric off were often only ostensible – rhetorical, even – and the alternatives functional and, at least in the short term, unsuccessful.⁵¹

⁴⁶ Brian Vickers & Nancy S. Struever, *Rhetoric and the pursuit of truth: language change in the seventeenth and eighteenth centuries; papers read at a Clark Library Seminar 8 March 1980*, Los Angeles: 1985.

⁴⁷ Mary M. Slaughter, *Universal language and scientific taxonomy in the seventeenth century*, Cambridge: 1982.

⁴⁸ Sami-Juhani Savonius, "Jean Leclerc's and John Locke's Assault upon 'False Rhetoric', c. 1688-c. 1701," in *Ennen & nyt, Vol. 1: The Papers of the Nordic Conference on the History of Ideas*, eds. Tero Karasjärvi, Jouko Nurmiainen, Helsinki: 2001.

⁴⁹ Barbara J. Shapiro, *A culture of fact: England, 1550 – 1720*, Ithaca: 2000.

⁵⁰ Peter Dear, *Discipline & Experience: The Mathematical Way in the Scientific Revolution*, Chicago: 1995; Giovanna C. Cifoletti, "Mathematics and rhetoric: Peletier and Gosselin and the making of the French algebraic tradition," *Dissertation Abstracts International*, 53: 4061-A, 1993.

⁵¹ This is obviously quite a laundry-list and accordingly these topics have involved scholarly efforts of vast scale. A recent contribution showing the pervasive effects of these linguistic problematics is Hannah Dawson, *Locke, Language and Early-modern Philosophy*, Cambridge: 2007. (Nevertheless, missing from Dawson's analysis is the crucial aspect of rhetoric not as an invention, but as a collection of working techniques taken from and relying on psychological insights. Admirably Dawson abstains from conflating rhetoric and linguistic theory, yet perhaps the disjunction between philosophical discussions on uses of authority, passion or reason in an argument, and persuasion through ethos, pathos and logos seems not to be so great. It is noteworthy that during 3000 years of developments and diverging views in rhetorical theory, there is a heuristic 'mean' around these three notions.

Despite all these attempts, fundamental difficulties remain in any attempts to take the writers' claims at face value – especially in any work including attempts of political persuasion (admittedly a broad category). While this should be obvious for anyone who has ever witnessed a political campaign, it is imperative to notice the tendency to take at face value what is convenient in academic scholarship as well. Some scholarly studies transpose our contemporary positions to the seventeenth century: depending on the scholar's own political position, anti-defamation and libel laws are perceived as either methods of repressive state or as legitimate answers to hate speech. Correspondingly, texts against immorality or for free speech are presented as either “educating” or “manipulating” their readers.⁵² This is repeated in relation to rhetoric, where – ironically enough – it is essentially a reuse of early modern rhetorical techniques: supportable parts are truthful, unsupportable mere rhetoric.⁵³

There are clearly inherent difficulties in the topics of free speech and rhetoric, which would be helped by having a methodology that would lessen the risk of turning the study of political thought into mere propaganda. In an effort to better understand the arguments of the writers, the method adopted in this work is to firmly keep politics in the study of political thought. It might seem an obvious approach, but it is often the obvious that is most easily forgotten. To give two examples of this approach: first, the historical context of moving from dissent to establishment. Before the English republic, the republican position was fairly straightforward: the claim was one of oppressed freemen resist-

What could be a fruitful contribution to scholarship is a psychological – ‘human nature’ – approach to the topic, in addition to the existing epistemological and methodological approaches. Or to put it more bluntly, there are studies on early modern theories of how language works and what kind of language is persuasive, but not so much on why persuasion through language is possible. That task is outside the scope of this footnote, but has been recently tackled in Philip Pettit, *Made with words: Hobbes on language, mind and politics*, Princeton: 2008).

⁵² Debora Shuger, *Censorship and Cultural Sensibility: The Regulation of Language in Tudor-Stuart England*, Philadelphia: 2006.

⁵³ Annie Mitchell, “A Liberal Republican ‘Cato,’” *American Journal of Political Science*, vol 48 (3), 2004.

ing with brave rhetoric the tyrannical monarchs and their flattering courtiers. Having gained power, the republicans had to deal with the same ‘flatterers’ etc., who would still argue against the republic, but could now claim the mantle of dissenters. And in addition, opposing strands of republicanism often came in conflict, leading to different solutions by different authors. The second point concerns critical interpretation. During the period opposing works could both claim to be without rhetoric while being blatantly rhetorical, and both claiming to represent the public interest. For early modern readers and writers this was a well-known tactic and it was accordingly common to point this out in further discourse. It is doubtful whether there are any good reasons for modern scholars to read the same works any less critically.

The important point to be kept in mind from all this is to acknowledge the prevalence of the – technically false – dichotomy between argument and rhetoric in political discourse, as well as in the scholarship about it. It is crucial to make the distinction between rhetoric as a method of public speaking, and rhetoric as a pejorative term for any argument not following the ‘true’ – that is, the preferred – argument. All of the republicans accused their opponents of using sophisms, specious arguments, preaching sedition, and so forth, but we cannot read into this that they were simply against rhetoric. That would mean a claim that any, but the Official Truth, is mere rhetoric. It is likely that someone like Thomas Hobbes would have agreed with such an interpretation,⁵⁴ but the claim in this work is that it would make any kind of political debate an oxymoron from the very beginning: there is no debate in government by imposition. Furthermore, it can be seen that this was not the approach of republicans: they may mock their opponents – for whatever motives – and they may question their right to air their grievances, but the suggestion that there should be an end to debate is, if not unfathomable, at least against their own self-interest as participants.

What sometimes makes the distinctions between rhetoric and ‘mere rhetoric’ so troublesome is that rhetoric already includes the idea of proofs from *logos*, *pathos* and *ethos*. It is thus technically correct to refer to

⁵⁴ Pettit, *Made with words*, pp. 42–54.

an author's 'rhetoric,' when referring to the logos-based rational argument.⁵⁵ Yet confusion arises easily if we choose to refer to everything as rhetoric, without bothering to make the distinctions between the different proofs. It might be presented otherwise, but when anyone claims to be abstaining from rhetoric when his or her reputation speaks for itself, then we are actually in the presence of the rhetorical proof from ethos. Similarly, it is often the pathetic argument that is pilloried as mere rhetoric, when being simply devoid of ethos and/or logos. Therefore, in this study any reference to the arguments of an author is considered to be rhetoric based on rational argument, and arguments based on passion or character are similarly considered as rhetoric founded on pathos or ethos, respectively.⁵⁶

To appreciate how deeply ingrained the three proofs of rhetorical argumentation were ingrained in the rhetorical culture of the time, a contemporary example can be useful. During the summer of 1657 Henry Oldenburg engaged in private correspondence with John Milton. Discussing their common enemy, Alexander More, Oldenburg argued how "the eloquence of his mouth bedaubed and disguised the ugliness of his life." Similarly, Oldenburg's view on the French was that "These people are of such a nature that whoever knows how to titillate their ears and soothe their passions with ornate language can easily win favor among them, even if his life should be entirely the opposite of his teaching." He continued to blame the audience, when "they are more easily captivated by accomplished speaking than by manner of living" (correspondence in Latin, translations from CPW 7:499). What we can see is that the correspondents put such weight on ethos, that pathos-based speech alone could simply not be counted as very effective.

In the end, all three aspects were necessary for an effective speech. Even a well-reasoned argument can fail if coming from a person of bad reputation, and similarly, without reason, rhetoric is severely de-

⁵⁵ Lee Ward, "Rhetoric and Natural Rights in Algernon Sidney's Discourses concerning Government," *Interpretation: A Journal of Political Philosophy*, 28:2 (2001), pp. 119-45.

⁵⁶ In the interests of conciseness, the term of rhetoric is also used when referring to the details or style of the text in question.

ficient in its efficacy to move people to action. Marchamont Nedham described this last aspect well:

The *Pen* it is which manifest's the Right of Things; and when that is once cleared, it give's spurs to resolution, becaus men are never raised to so high a pitch of action, as when they are perswaded, that they engage in a righteous cause.⁵⁷

This quote is also an apposite reminder of the seventeenth century English republican view that rhetoric, while efficacious, was not a relentlessly domineering force, and it was not detached from the realities of the needs, wants, and ideals of its audience: the persuader cannot go arbitrarily against commonly shared notions of right and just, which limits his powers severely. One should not confuse the rhetoric of marketing the skills of an orator, with the actual powers of that oratory.⁵⁸ This study will show the various approaches that the republican authors took in their attempts to deal with the powers of an orator: on the one hand, orators clearly had powers, which could be used well or badly, yet on the other, those powers were strictly limited by the response of the audience. This latter point is one worth bearing in mind, when coming across contemporary assertions that rhetoric as such is a controlling or dominating force over people.

The aim in this study is to avoid any such transfers of our own inclinations about the rightness of our own beliefs to the past, whether it is about our current preferences for freedom of speech, or notions of being trapped in the structures of language and rhetoric, or needs to find philosophically coherent political solutions from the authors under study. It is perfectly reasonable to hope to gain an intellectual coherence to our political philosophies, and equally reasonable to assume that previous

⁵⁷ Marchamont Nedham, "The Epistle Dedicatorie," *Of the dominion, or ownership, of the sea two books:.. written at first in Latin, and intituled, Mare clausum, seu, De dominio maris, by John Selden, Esquire ; translated into English, and set forth with som[e] additional evidences and discourses by Marchamont Nedham*, London: 1652 (November), sig. b1r-v.

⁵⁸ Wayne A. Rebhorn, *Emperor of men's minds: literature and the Renaissance discourse of rhetoric*, Ithaca: 1995, presents many examples of such strong claims by early modern rhetoricians, although the book can be criticised for taking the claims too easily at face value.

political thinkers have attempted the same. If for nothing else, it would have been a plausible attempt to avoid being mocked for lack of consistency. However, if we assume that the combinations that have become to seem natural to us have been as lucid and obvious to earlier thinkers, we risk reading into their theories inconsistencies, confusion or disorder which might not be there at all. A relevant example of such problems can be found in the study of interest theory.

An important factor in interest theory is the relation between what can be termed as the opposing poles of interests: public interest (as in republicanism) and the interest of state (as in reason of state). Thus using the language of interest could be seen as an indicator of an author's political standing: for example, since the name of an important treatise by Duc de Rohan was titled [*O*]*f the interest of the princes and states of Christendome*, it has been seen to have close connotations with royalism. For John Gunn the result was clear: "If the champions of the Parliament, and later of the Commonwealth, were more reluctant than Royalists to cite Rohan's maxim, this was surely because it smacked of that very prerogative against which they had rebelled."⁵⁹ However, another contemporary to Rohan was Christopher Besold, who wrote in his theories about mixed government.⁶⁰ It has been argued that on that topic Besold aimed away from indivisible sovereignty, tilting the scales towards more republican direction.⁶¹ The point here is that there is nothing fundamentally republican, nor monarchical in interest theory as such.⁶² Most importantly, the 'reason' in reason of state was a term like liberty and justice, in the sense that many authors insisted on separating be-

⁵⁹ J. A. W. Gunn, "Interest Will Not Lie: A Seventeenth Century Political Maxim," *Journal of the History of Ideas*, (29) 1968, p. 555.

⁶⁰ For more on which see Julian Franklin, "Sovereignty and the mixed constitution: Bodin and his critics," in *The Cambridge History of Political Thought 1450-1700*, eds. J. H. Burns, Mark Goldie Cambridge: 1994, pp. 37-41.

⁶¹ Martin van Gelderen, "Aristotelians, Monarchomachs, and Republicans: Sovereignty and *respublica mixta* in Dutch and German Political Thought, 1580-1650," *The Cambridge History of Political Thought 1450-1700*, eds. J. H. Burns, Mark Goldie, Cambridge: 2002, pp. 211-12.

⁶² For example, cf. Geoff Baldwin, "Reason of State and English Parliaments, 1610-42," *History of Political Thought*, (25) 2004.

tween true and false reasons.⁶³

As the example of reason of state shows, there are risks in assuming that true republican could not toy with reason of state. For example, I will argue in the course of this study that if we analyse how James Harrington's conceptions of interests interact with his views on authority without suffusing either of them with our own, we will see that the unclearness and inconsistencies are of our own making.⁶⁴ Similarly, we must abstain from smuggling in our hopes that what republicans aimed for was some form of our present-day canon of individual rights, rule of law, and democracy, in proto-, pseudo-, semi- or any other suffix-laden forms. In the end, in order to write meaningful historical studies of republicans, we are forced to return to their texts, their contexts, their ideas, if we hope to understand and learn from them.

Presentation of the work

The form of presentation aims to facilitate the aforementioned goals of this study. This means that this is a work of intellectual history, where the interrelation of both history and political philosophy is shown. It is thus not a work of pure political theory, but neither is it a chronicle of antiquarian textual curiosities. A crucial goal is to show the connections, continuities and changes in the various authors' works, even if this means sacrificing the customary poring over quotes from the whole oeuvre of an author, in order to argue for a conceptual point at the expense of context. My emphasis is on the historical nature of the

⁶³ Peter Burke, "Tacitism, scepticism, and reason of state," *The Cambridge History of Political Thought 1450-1700*, eds. J. H. Burns, Mark Goldie, Cambridge: 1994, pp. 481-2. Cf. also Hans Blom, *Causality and Morality in Politics. The Rise of Naturalism in Dutch Seventeenth Century Political Thought*, Rotterdam: 1995, p. 169.

⁶⁴ Frank Lovett, "Harrington's Empire of Law," APSA 2010 Annual Meeting Paper, (June) 2010, p. 15n19, also shows the problem of assuming otherwise. To Lovett, Harrington has no interest in normative legitimacy, although as will be shown, that is the whole point of his use of interests. The omission is so glaring that the generous assumption must be that the problem is in seeing interests as something that necessarily must lack normative powers.

texts, in order not to have the analytical display obscure the political nature. **By this I mean that I will present the texts in order of their appearance,** which allows me to both tie their writings into a coherent narrative within the historical context, and also to keep the focus on the primary sources. Within this presentation, individual analyses of the texts will be according to the questions and themes presented here in the introduction. This is done in order to avoid the anachronistic and dispositional confusion sometimes apparent in more purely theoretical approaches to the history of political theory.⁶⁵

To give an example of what is aimed for, we can consider the case of James Harrington. Much of the scholarship on Harrington has been characterized by a tendency to see his work as a coherent whole. While this is not an approach without validity, it does cause problems in that it tends to obscure the role of the conjunctures: not only does it obfuscate the role that the criticism of other political writers had on his work – a fact already important in appreciating his political theory (what was argued against, for, or left out) – but it also leaves out the ways Harrington adapted and changed his theories and their presentation, when faced with the political changes and other writers' works of the time. As I will show, these changes had effects on his theory, which, while remaining mostly stable, did undergo subtle realignments. These realignments would be easily lost, if we approach his oeuvre as a philosophical whole, detached from history.

However, my intention is not to claim that works of more strictly thematic analysis of political concepts on the one hand, and more biographical studies of individual authors on the other are without merit. The mere fact that this study has benefited greatly from several such studies already proves otherwise. Admittedly this study could have also been divided into chapters on individual authors, or into conceptual themes, but at the loss of losing the emphasis on what the context and intentions behind an individual work were. However, since the chronological approach *pur et dur* could easily make any work into a somewhat dull chronicle, so when deemed necessary, the narrative will take

⁶⁵ For example, Gary Remer, *Humanism and the rhetoric of toleration*, University Park, PA: 1996.

into account what authors had written before or after a single historical event. This bending of formal chronology will also facilitate the goal of those readers, who are more inclined to focus on an individual author alone. Nevertheless, the main focus remains to show the development of the theories, and the choices made by the authors, in relation to the changing circumstances and between each other's works. The guiding line is that, the works are neither caused by the exigencies of political events alone, nor are they ivory tower philosophy completely removed from mundane affairs (whether such activity is even possible is another matter completely).

In practice, the book is thus divided into six parts, each covering a short period of time. My aim through this is similar to David Norbrook's: to "place the reader in the uncertain position of the contemporaries for whom the political horizon was bafflingly open and the meanings of new political formations were constantly uncertain."⁶⁶ The first chapter begins with Milton, the most studied of the authors, and his debut also works as a presentation of the humanist upbringing of the contemporary writers. A few words of explanation are probably in order on the historical terms used. The first part deals with Civil War writings, ending in 1649, although it could be argued that the English Civil Wars continued all the way until 1651, in the form of the Third English Civil War. However, for the purposes of this study the most significant historical change was brought about by the regicide of Charles I on January 30, 1649, followed by An Act declaring England to be a Commonwealth and a Free State on May 19, 1649. Therefore in the second part the texts published after that event are considered as being writings from the Commonwealth, rather than the Civil War era. This is not to claim that the authority of the new regime was henceforth uncontested and firm, rather the aim is to shift the focus on the unquestionably new political context of writing in a post-regicide, formally republican environment. For similar reasons, the third part will refer to the Protectorate – although technically still a Commonwealth, the ascendancy of Cromwell in 1653 had a similarly defining influence on the political context of works under study. The fourth part deals with the

⁶⁶ Norbrook, *Writing the English Republic*, p. 15.

texts published during the Protectorate's troubled period of 1656, and since that time includes Harrington's magnum opus, *Oceana*, considerations of space require the part to stand on its own. The fifth part deals with the last years of the Protectorate, ending in the Restoration. In a logical conclusion, the sixth, and last, part is about the post-Restoration era.

PART I Civil War writings to 1649

1. *John Milton*

John Milton's *Areopagitica* is one of the canonical works in the history of free speech. It has been scavenged for uplifting sentences to adorn places of learning worldwide. Accordingly, it has become almost a commonplace to view *Areopagitica* as one of the foundational works of liberal democracy and human rights – even free market ideology.⁶⁷ A representative view of the text is to see it as “the very imitation of Athenian oratorical sound in print which communicates effectively the ideal of political life as it should be – supposedly democratic, liberal, able to comprehend more than one point of view.”⁶⁸ In general, the work is seen as a representative of a republican approach to a “political public sphere which might not be fully democratic but was broader than anything traditionally tolerated under monarchy.”⁶⁹

While Milton can hardly be held responsible for later applications of his work, I will present my reasons for thinking that Milton did not intend his work to be either liberal, democratic, rights- or market-based. Indeed, some of those values would have been diametrically opposite to his views about public speech in an ideal republic. In addition, as *Areopagitica* enjoys such an exceptional status in Milton's oeuvre (and indeed

⁶⁷ Blair Hoxby, *Mammon's Music: Literature and Economics in the Age of Milton*, New Haven: 2002, p. 40.

⁶⁸ Nigel Smith, “*Areopagitica*: voicing contexts, 1643-5,” in *Politics, Poetics and Hermeneutics in Milton's Prose*, eds. David Loewenstein, James Turner, Cambridge: 1990, pp. 117-8.

⁶⁹ Norbrook, *Writing the English Republic*, p. 319.

in the political literature of the time), I will begin my presentation from Milton's previous works in order to show that *Areopagitica* was not an extraordinary break from his political philosophy.

It has been well documented that the early-seventeenth-century humanist curriculum drilled schoolboys in classical works of rhetoric, dialectic and ethics. Milton, as well as all of the other republicans under study, was well versed in rhetorical skills (use of commonplaces, tropes, figures, etc.) but also techniques of imitation, disputation, dialogues, etc.), history and ethics using classical and renaissance text-books.⁷⁰ This much can be taken as given, but more important for the purposes of this study is the role of those skills in political philosophy and practice. An essential question then concerns the qualities that a politically ideal rhetor should profess.

In his youthful *Prologues*, Milton presents an ideal orator with attributes similar to those of Crassus in Cicero's *De Oratore*.⁷¹ The orator must possess skills of the highest calibre - "nothing common or mediocre can be tolerated" - and a "thorough knowledge of all the arts and sciences" (CPW 1:288-9). Similarly, the ideal of *vir bonus dicendi peritus* was present in the "integrity of life and uprightness of character." At the same time, Milton was aware that even "men eminent for learning" could be "of bad character" and slaves to "evil passions" (CPW 1:292).⁷² Education was a necessary but not a sufficient criterion.

The antithesis of humanistic education, and what Milton had been taught to despise, was scholastic education: the "absurd doctrines of drivelling monks" (CPW 1:293) They had ruined the useful and noble arts: "how many despicable quibbles there are in grammar and rhetoric!" (CPW 1:300) and even "mathematicians too are afflicted with a longing for the petty triumph of demonstrative rhetoric" (CPW 1:301). Of course, this was a commonplace in the humanist learning of the time. Scholastic learning did not necessarily indicate a hatred towards

⁷⁰ Peter Mack, *Elizabethan Rhetoric. Theory and Practice*, Cambridge: 2002, pp. 1-47.

⁷¹ Cicero, *De Oratore* (1.45-68).

⁷² A summed up reiteration of this view can be found in *An Apology for Smectymnus* as "how he should be truly eloquent who is not withall a good man, I see not" (CPW 1:874).

logic, grammar or rhetoric - all parts of the medieval university curricula.⁷³ Rather, Milton inveighed against studies that “promote neither delight nor instruction, nor indeed do they serve any useful purpose whatsoever” (CPW 1: 241): i.e. studies that serve neither the duties of oratory nor any sense of utility.

The evils of the “drivelling monks” were not limited to bad schooling, but they and other members of the clergy were to blame for the abuse of oratory: demagoguery. In the *Commonplace Book* Milton quotes Luther against sedition, in its religious aspects. It is noteworthy how the part Milton quoted included also Luther’s warning that “under the pretext of evangelism Satan has stirred up in these days many seditious and bloodthirsty teachers.” Such persons are to be distinct from political rebellion as such, on which Milton attests to a positive, if qualified view following Machiavelli: tumults and disturbances are often necessary to keep a commonwealth free, and can result in good legislation (CPW 1:504-5).⁷⁴ Also, an indication of Milton’s recognition of the power of rhetoric in a republic can be found as a quote from Machiavelli reads “to cure the ills of the people, words suffice” (CPW 1:456). For Milton, the effects depend on who speaks what to whom.

These topics of situations and audience relate to an important issue to the ideal citizen-orator and his education: besides the ‘why’ of rhetoric, there was the question of following decorum. In early modern times, the new-found ideals of polite, civil conversation were in some ways running against the orator’s ideals: for example, rhetorical, ornamented speech did not fit in well with some of the ideals of conversation – supposed spontaneity, inclusiveness and equality.⁷⁵ Milton recognised the problem of how the learned could be seen, as “it is often asserted

⁷³ Mordechai Feingold, “The Humanities,” in *The History of the University of Oxford: Vol. 4, Seventeenth Century Oxford*, ed. Nicholas Tyacke, Oxford: 1997, pp. 211-357.

⁷⁴ As is noted in Worden, “Milton and Marchamont Nedham,” pp. 173-4, these arguments are not to be found in Milton’s public writings, yet the claim of Paul Rahe that Milton “nowhere” adopted the doctrine of Machiavelli on the relationship between liberty and political turbulence is clearly too all-encompassing; Paul A. Rahe, “Classical republicanism of John Milton,” *History of political thought*, (25/2), 2004, p. 246.

⁷⁵ Peter Burke, *The art of conversation*, Cambridge: Polity Press 1993, p. 92.

that the learned are as a rule hard to please, lacking in courtesy, odd in manner, and seldom gifted with the gracious address that wins men's hearts." Nevertheless, there was no reason to embrace modern civil conversation. The question was rather about the limitation of speakers in conversations: as conversations went, classical examples would show that there was nothing "more delightful and happy than those conversations of learned and wise men." Inclusiveness was required only among the learned – as for the rest, they could enjoy conversations "in spell-bound silence." (In *Prologues*, CPW 1:295).

The crucial aspect was ethos: truly good rhetoric is performed by good people, and courtesy had suspect connotations. These points are on display in Milton's *Comus* (*A Masque Presented at Ludlow Castle*, 1634).⁷⁶ In the play the lady trusts the shepherds

honest offer'd courtesie,
Which oft is sooner found in lowly sheds
With smoaky rafters, then in tapstry Halls
And Courts of Princes, where it first was nam'd,
And yet is most pretended (322-6).

This assumption, in addition to being a jibe at the flattery intrinsically present at courts, turns eventually against the purportedly virtuous nature of the 'common courtesy' as well, since the shepherd is in reality the villain Comus.

Taken to captivity, the lady acknowledges the problems created by eloquence in ill use, when Comus attempts

to charm my judgment, as mine eyes,
Obtruding false rules pranckt in reasons garb (758-9).

Rhetoric by itself does not prevent its abuse:

I hate when vice can bolt her arguments,
And vertue has no tongue to check her pride (760-61).

⁷⁶ Edition used: John Milton, *The Complete Poems*, John Leonard (ed.), Penguin Classics 1998.

Milton presents in *Comus* his vision of rhetoric that is inseparable from the personal ethics and disposition of the speaker as well as the audience. For the lady,

this pure cause would kindle my rap't spirits
To such a flame of sacred vehemence,
That dumb things would be mov'd to sympathize (794-6).

As for Comus, the lady tells him to

Enjoy your deer Wit, and gay Rhetorick
That hath so well been taught her dazling fence,
Thou art not fit to hear thy self convinc't (790-2).

As is shown in this last passage, proven ethos has an essential impact on the possibility of persuasion. Bad people cannot persuade good, and neither can bad be convinced by the good. The lady is explicit:

To him that dares
Arm his profane tongue with contemptuous words
...
Fain would I something say, yet to what end?" (780-3).

Comus shows the importance of distinguishing between criticism of abuse of rhetoric and rhetoric as such. This distinction bears directly on the issue of 'plainness' in Milton's first overtly political prose works. In *Of Reformation* (1641-2), Milton repeatedly refers to 'plain style': "the sober, plain, and unaffected stile of the Scriptures" and "a sound Truth at the hand of a plain upright man" (CPW 1:568). This has raised the issue whether Milton was setting plain, as in unrhetorical, speech against rhetoric. Such an interpretation assumes that plain style can be separated from rhetoric, yet beyond the face value there is little doubt that plainness can have significant persuasive effect.⁷⁷

⁷⁷ Kenneth J. E. Graham has put this point persuasively: "humanists associated the apt, the decorous, or the comely with plainness in stylistic prescriptions that look back to Cicero's "correct, lucid, ornate and.. appropriate" (De Oratore 3.10.37) for a model of plain, ordinary speech that is nonetheless quintessentially rhetorical." *The performance of conviction: plainness and rhetoric in the early English Renaissance*, Ithaca: 1994, p. 18.; Smith, *Literature and Revolution*, p. 38.

Another question concerns plain style as rhetoric without the flourishes. In *Of Reformation*, as in later works, Milton did not object to rhetoric or its flourishes, but rather to their abuse – in forms such as “knotty Africanisms,” “pamper’d metaphors” and so forth (CPW 1:568). In *An Apology Against a Pamphlet* (1642) when Milton professed that “true eloquence I find to be none, but the serious and hearty love of truth,” he was not dismissing eloquence in favor of truth.⁷⁸ The main point was in the immediately preceding words: “although I cannot say I am utterly untrain’d in those rules which best Rhetoricians have giv’n, or unacquainted with those examples which the prime authors of eloquence have written in any learned tongue,” by which Milton was setting out his own ethos as a well-trained orator (CPW 1:948-9).⁷⁹ Milton has been previously misinterpreted as rejecting rhetoric as inherently deceptive, but that interpretation relies on a false dichotomy between plainness and persuasive speech, and overall it has been shown that Milton never turned his back on rhetoric.⁸⁰

Milton’s advocacy of rhetoric and ethos-setting is evident in the *Animadversions* (1641), when he ridiculed the “green practise in the lawes of discreet Rhetorique” shown by his opponent (CPW 1:667). And abuse of rhetoric is accordingly presented as “that deceitfull, and close coutcht evill of flattery,” brought forward by the untrustworthy and disloyal “Parasites, and Sycophants.” Against such abusers the *Animadversions* sets “free utterances of privat brests, and amongst them find out the

⁷⁸ Examples to the contrary are numerous, but a representative one can be found from *Colasterion* (1645): “Certainly to teach thus, were no dishonest method: Christ himself hath often us’d *hyperbolies* in his teaching; and gravest Authors, both *Aristotle* in the second of his *Ethics* to *Nichomachus*, [2.9] and *Seneca* in his seventh *De Beneficiis*, [7.22] advise us to stretch out the line of precept oft times beyond measure, that while wee tend further, the mean might bee the easier attain’d.” (CPW 2:643).

⁷⁹ Helped by the repetitive use of litotes, on the uses of which see: Susanne Woods, “Elective poetics and Milton’s prose,” in *Politics, Poetics and Hermeneutics in Milton’s Prose*, eds. David Loewenstein, James Turner, Cambridge: 1990, pp. 200-202.

⁸⁰ Derek N. C. Wood, “‘That divine spirit of utterance that moves them’: John Milton and the power of rhetoric,” in *Rhetorica Movet: Studies in Historical and Modern Rhetoric in Honour of Heinrich F. Plett*, eds. Peter L. Oesterreich et al., Leiden: 1999, pp. 263-266, 283.

precious gemme of Truth.” In this early intimation of free speech spontaneous truth is shown to arise from the “vulgar concourse” of the general public. It would similarly be served by “permission of free writing” that would bring benefit to the society as a whole (CPW 1:670).

This last point, the utility of “liberty of speaking,” of which “nothing is more sweet to man” (CPW 1:669), is crucial to the understanding of Milton’s republican view of free speech. In *Reason of Church-government Urg’d against Prelaty* (1642) the difference between free speech as parrhesia and the right to free speech is present again in Milton’s “honest liberty of free speech” (CPW 1:804). ‘Free speech’ is a function of true liberty, wielded by good, honest men for the embetterment of society – not an abstract right for despicable ideas or thoughts. We shall return to the difficulties inherent in this position later when dealing with *Areopagitica*.

The *Reason of Church-government* also presented Milton’s vehement attacks against a distinct source of demagoguery: the clergy.⁸¹ Milton sets “the Athenians,” who “made their small deeds great and renowned by their eloquent writers” against the “monks and mechanicks” whose “unskilfull handling” has demoted the “noble atchievements” of England (CPW 1:812). Here Milton juxtaposes the two humanist commonplaces, the learning of classical Greece against the scholastic influences. His longer diatribe is worth analysing in detail, as it presents well his views on the role of education.

Milton proposes that “many of the Gentry, studious men,” with “honest and ingenuous natures” would actually go “to the Universities to store themselves with good and solid learning.” This noble purpose is thwarted by their being “unfortunately fed with nothing else, but the scragged and thorny lectures of monkish and miserable sophistry.” If they were not “sent home again with such a scholastical burre

⁸¹ Jonathan Scott, *Commonwealth principles: republican writing of the English revolution*, Cambridge: 2004, p. 52. At this stage Milton was still a committed Presbyterian, and his invectives are against the episcopacy. This situation would change towards the end of civil war: Martin Dzelzainis, “Milton’s classical republicanism,” in *Milton and Republicanism*, eds. David Armitage et al., Cambridge: 1995, pp. 9, 14–15. On late 1640s also David Loewenstein, *Representing Revolution in Milton and His Contemporaries: Religion, Politics, and Polemics in Radical Puritanism*, Cambridge: 2001, pp. 175–190.

in their throats, as hath stopt and hinder'd all true and generous philosophy from entring, crackt their voices for ever with metaphysical gargarisms," then there would be a chance for the "unchast'nd and unwrought minds" to be "initiated or subdu'd under the true lore of religion or moral vertue, which two are the best and greatest points of learning." Otherwise they would continue to be "either slightly train'd up in a kind of hypocritical and hackny cours of literature to get their living by, and dazle the ignorant, or els fondly overstudied in uselesse controversies." (CPW 1:854)

The polemical nature of this diatribe should be reaffirmed: Milton himself managed to become a humanist despite universities supposedly mired in scholasticism. It is difficult to assume that he would have claimed that education alone sets people on their moral trajectories. This is not to claim that the rhetoric involved is just that, 'mere' rhetoric. Nevertheless, Milton's proposals for a more humanist curriculum should not be unnecessarily conflated with his understanding on the role of education in creating good citizens: learning could happen outside formal schooling as well. This was made apparent in Milton's promotion of rhetoric to increase the chances of persuasion in *Reason of Church-Government*.

Milton used Plato as an authority to promote the use of rhetoric in a society – a role rarely attributed to Plato.⁸² According to Milton, Plato saw that "persuasion certainly is a more winning, and more man-like way to keepe men in obedience then feare."⁸³ This persuasion follows the ideals of rhetoric "there should be us'd as an induction, some well temper'd discourse," "utter'd with those native colours and graces of speech, as true eloquence the daughter of vertue can best bestow upon her mothers praises." The purpose of this epideictic oratory is to "incite, and in a manner, charme the multitude" by giving a purpose:

⁸² Annabel Patterson has pointed out how although Milton used Plato's authority, it was to serve notions incompatible with Plato's: Annabel Patterson, *Reading between the lines*, Madison: 1993, pp. 33-34.

⁸³ This bears close resemblance to Jesus's words in *Paradise Regained* (1.222-3)

By winning words to conquer willing hearts,
And make perswasion do the work of fear.

“how good, how gainfull, how happy it must needs be to live according to honesty and justice.” Not in the service of just anything, but to be persuaded “into the love of that which is really good” (CPW 1:746-7). Nevertheless, persuasion again depends on the audience. Milton does not address the multitude, but those to whom “that which is really good,” would not need to be spelled out. It is to “the elegant & learned reader, to whom principally for a while I shal beg leav I may addresse my selfe;” or in a more explicated social category: “I shall petition to the gentler sort” (CPW 1:807-8).

After writing his antiprelatical tracts, Milton wrote several pamphlets arguing for the legitimacy of divorce. These divorce tracts, while not so explicitly about rhetorical issues, do nevertheless contain material keeping in line with his earlier strands of thought. In the first of these tracts, *Doctrine and Discipline of Divorce* (1644) Milton’s preface presents a view of liberty embedded with qualifications of ends and means that apply to public speech as well. Milton refers to “the draff of men⁸⁴, to whom no liberty is pleasing, but unbridled and vagabond lust without pale or partition.” Such liberty literally is no liberty, since Milton’s view of liberty entails restraints, as “honest liberty is the greatest foe to dishonest license” (CPW 2:225). In addition, this ‘honesty’ should not be unduly confused with ‘plainness’ as mentioned earlier, since honesty also had connotations of being honorable and exercising self-restraint – capacities again designating only parts of the populace.⁸⁵

Nevertheless, while such restraints on speakers, audience and delivery may seem counterintuitive to the idea of free speech, there are three important facets to be kept in mind. The first is the well-asserted ‘republican’ nature of Milton’s view on liberty – that is, only arbitrary and unforeseeable constraints are incompatible with liberty.⁸⁶ Accordingly, Milton’s considerations arguing for free speech concerned “*undue* restraint” (italics mine) of some “just” and “lawfull liberty,” and they

⁸⁴ I.e. pomace: ‘scum’ would probably be the most appropriate term nowadays.

⁸⁵ Richards, *Rhetoric and Courtliness*, p. 2.

⁸⁶ The scholarship is abundant, but for a few examples, Dzelzainis, “Milton’s classical republicanism,” and Quentin Skinner, “John Milton and the politics of slavery” in his *Visions of Politics*, vol II.

were not about restraints being unneeded per se. Secondly, there is often a pragmatic edge to republican writing:⁸⁷ when Milton considers such a liberty “which ought to be giv’n men, and is deny’d them” (CPW 2:278), the argument is also about costs and benefits – restraints can be undue if they cause more trouble than they are worth.

The third aspect, following partially from the republican mode of liberty, and existing side by side with the pragmatic considerations, is a less studied one. Milton’s republican free speech is essentially a ‘positive liberty’ of public speech – that is to say, free public speech as not merely a function of what is allowed and not forbidden, but rather including positive views on what is it exactly, that should be considered in public debate and counsel. As we shall see, this positive view has many sources – ranging from biblical to natural law – but the overall goal is to present public speech as something essentially instrumental rather than a good in its own right.

This positive view also explains why ascribing to Milton a role of an *avant la lettre* propagator of the concept of marketplace of ideas cannot be accurate. The opposition between monopolies and free markets is facile as such, and does not exist for Milton. Monopoly of information may imply tyranny, but Milton’s solution lies not in what ‘sells best’ – rather, it is included in what is here called the ‘positive public sphere.’ Nowhere does the antagonism to ideas merely popular show better than in Milton’s exposition of “civill prudence” as resistance of the righteous few against the erroneous many, a dichotomy that will be repeated often in Milton’s work.

Milton begins by asserting how in general “any man reputed wise and constant, will neither doe nor permit others under his charge to doe that which hee approves not” (CPW 2:314) This definition from qualities is refined and made even more important as it comes to duties of high office: “But for a Judge, but for a Magistrate the Shepheard of his people to surrender up his approbation against law & his own judgment, to the obstinacie of his heard, what more un-Iudge-like, more un-Magistrate-like, and in warre more un-commander-like?” (CPW 2:

⁸⁷ And which is not necessarily incompatible with moral considerations, as will become apparent throughout my work – especially in the case of James Harrington.

314-5). Giving in to pressure from others was to lose part of one's freedom, and for people in high positions it would mean becoming a slave to the whims of the masses.

Milton proceeds to give four examples of such problems from antiquity: two on "the undoing of the Roman State," by Pompey and Marcus Brutus, and the other two about "the saving of two the greatest Common-wealths in the world, of *Athens* by *Themistocles* at the Sea fight of *Salamis*; of *Rome* by *Fabius Maximus* in the *Punick* warre."⁸⁸ The first two "had not magnanimity enough but to make so poore a resignation of what they approv'd," and the other "two matchlesse Generalls had the fortitude at home," "to withstand the doing or permitting of what they could not approve in their duty of their great command." What all of them were set against were "the rashnes and the clamours of their own Captains and confederates" and "what the boisterous Tribunes and Souldiers bawl'd for" (CPW 2:315). Popular oratory was one step away from pernicious demagoguery.

The cure for the ills of demagoguery lay partly in education, as Milton presented in a pamphlet he wrote around the same time as the divorce tracts. In the acutely named *Of education* (1644) Milton could present his set of civic humanist ideals and learning. It has been argued that Milton's conviction is that genuine education (and especially higher education) must be largely self-motivated and self-directed.⁸⁹ This would accord well with a view of Milton's disdain of the contemporary universities, promotion of loose curriculae, seeming neglect of methodology, and despairing over the capabilities of the rabble.

However, as mentioned earlier, associating universities with scholastics was a humanist commonplace. Secondly, Milton's despair of the

⁸⁸ These quotes are most likely from Plutarch's *Lives*: Pompey 67, Brutus 7-10, (although 21 seems more fitting) Themistocles 11-15, Fabius Maximus 5-13; in 1579 edition: p. 712, pp. 1058-9, (1064), pp. 129-131, pp. 194-199, respectively. On the early modern view of ancient Roman history, as received through the Greek historians, see Eric Nelson, "Republican visions," in *Oxford Handbook of Political Theory*, vol. 1, eds. John S. Dryzek et al., Oxford: 2008.

⁸⁹ Barbara K. Lewalski, "Milton and the Hartlib Circle. Educational Projects and Epic *Paideia*," in *Literary Milton: Text, Pretext, Context*, eds. Diana Benet & Michael Lieb, Pittsburgh: 1994, p. 208.

rabble did not extend to his educational propositions, since they were not the subjects of learning in the first place. The ability to fully benefit from study is not a commonly shared attribute: the studies are such as “wherein our noble and our gentle Youth ought to bestow their time in a disciplinary way.” (CPW 2:406) Milton’s academics were meritocratic, yet mainly for the aristocracy.⁹⁰ Accordingly, the content of the “right path of a vertuous and noble Education” (CPW 2:376), aiming at the “encrease of Learning and Civility every where” (CPW 2:381) was to a great extent the curricula for an ideal orator – yet mainly in a patrician environment. The outcome of Milton’s educational project was the creation of able governor-orators, to whom “honour and attention would be waiting on their lips,” no matter “whether they be to speak in Parliament or Counsel” (CPW 2:406).

Thirdly, Milton does argue for the value of rote learning, in “forcing the empty wits of Children to compose Theams, Verses and Orations, which are the acts of ripest judgment and the final work of a head fill’d by long reading and observing, with elegant maxims, and copious invention” (CPW 2:372). In addition, the curriculum was quite detailed: it included “famous Political Orations,”⁹¹ which, after being read, memorised and “solemnly pronounc’t with right accent, and grace,” could endue the students “with the spirit and vigor of Demosthenes or Cicero, Euripides, or Sophocles.” They were followed by “those organic arts which inable men to discourse and write perspicuously, elegantly, and according to the fitted stile of lofty, mean, or lowly” (CPW 2:401). And finally, the “gracefull and ornate Rhetorick taught out of the rule of Plato, Aristotle, Phalereus, Cicero, Hermogenes, Longinus” (CPW 2:402).

⁹⁰ Lewalski, “Milton and the Hartlib Circle,” p. 209. Also, Patterson, *Reading between the lines*, pp. 55-56, pointing out that although access to this education was never explicitly restricted, social distinctions were affirmed implicitly by the terms used.

⁹¹ This would most likely include such democratically oriented speeches as Pericles’ funeral oration, although as Hobbes had showed, opposing allusions to Thucydides could also be made. It can also be assumed that Milton did not share Hobbes’s view, as the depiction of London in “Arcopagitica” (CPW 2:554) as an imitation of ancient Athens, was “a pointed counter to Hobbes’s doubts about Athens in his Thucydides”: Norbrook, *Writing the English Republic*, pp. 60, 130.

Plato and Cicero also feature in the list of “morall works” (CPW 2:396) discussing vices and virtues, but it is notable that of the two of them, only Cicero is raised as an example of the aforementioned “spirit and vigor.” By omission, it can be argued that although Plato’s works were suitable for learning morality and rhetoric, on the political level he did not represent the republican ideal as well as Cicero. Indeed, as Milton later attested in *Areopagitica*, Plato was “a man of high authority indeed, but least of all for his Commonwealth” (CPW 2:522).⁹²

Besides the creation of orators, Miltonic education would arm them against the dangers of abused rhetoric. If those who “betake them to State affairs,” do it “with souls so unprincipld in vertue, and true generous breeding,” then “flattery, and Court shifts and tyrannous Aphorisms⁹³ appear to them the highest points of wisdom” (CPW 2:375-6). Therefore, children should be won “early to the love of vertue and true labour, ere any flattering seducement, or vain principle seise them wandering” (CPW 2:383).

There was another danger that Milton presents ever more vehemently in the course of the 1640s, that of firebrand priests.⁹⁴ In *Of Education*, Milton continued the critique of old ways familiar from *Prolusiones*: “for the usual method of teaching Arts, I deem it to be an old errour of Universities not yet well recover’d from the Scholastick grossness of barbarous ages” (CPW 2:374). An added aspect to arguing against pupils growing “into hatred and contempt of Learning, mockt and deluded all this while with ragged Notions and Babblements, while

⁹² Jonathan Scott has argued for the influence of Plato’s *Laws* in *Of Education*, but from the political viewpoint it is notable that the work itself does not appear in Milton’s list of “grounds of law” (CPW 2:398), although many figures from the republican canon do. Scott, *Commonwealth principles*, p. 173.

⁹³ Paul Rahe has used this part in an argument that Milton opposed Machiavelli’s ideas, as these ideas were “the sort first propagated by the author of *The Prince*.” Yet it could be also argued that similar examples, or “points of wisdom” could have been found from many classical authors as well, e.g. Tacitus or Sallust. Rahe, “Classical republicanism of John Milton,” p. 260.

⁹⁴ Those of presbyterian denomination especially: however, in general I will abstain from detailed discussions of theological issues, as they are of secondary importance to my topic *per se*.

they expected worthy and delightful knowledge,” is that the pupils are thus in danger of joining the ranks of “an ambitious and mercenary, or ignorantly zealous Divinity” (CPW 2:375). Miltonic education aimed to bring into “Pulpits other Visages, other gestures, and stuff otherwise wrought then what we now sit under” (CPW 2:406) – an educational policy more inclined to crowd control than to free speech.

After *Of Education* Milton re-entered his divorce campaign with the *Judgement of Martin Bucer Concerning Divorce* (1644). Advocating divorce was a contentious affair, and Milton asserted in the preface, addressed to the parliament, “that what I formerly presented to your reading on this subject, was good, and just, and honest, not licentious.” The obvious question is, of course, how is it known what is good, just and honest – what is a legitimate authority on knowledge? Milton’s answer is clear: “the authority, the learning, the godliness of [Martin Bucer] is able to outbalance all that the lightness of a vulgar opposition can bring to counterpoise” – the gravitas of one can beat the mere opinions of many. (CPW 2:439).

Milton’s conception of this authority, with its close affinities to the Stoic sage, is followed-up by ever more forceful argumentation upon the remaining two parties in his division of society: the virtuous few and the almost unredeemable many. Among the few are the addressees: “if any thing generous, any thing noble, and above the multitude, were left yet in the spirit of England; it could be no where sooner found, and no where sooner understood, than in that house of justice and true liberty, where ye sit in council” (CPW 2:435). It is against this background that we must understand the defense of free speech in the post-script of the *Judgment*, seen as ‘a direct anticipation of *Areopagitica*.’⁹⁵

In the post-script, Milton conjures a positive image of the era as “a time of reformation, a time of free speaking, free writing” which nevertheless remains “in danger of new fetters and captivity after all our hopes and labours lost.” However, these freedoms are pointedly asserted towards the “wisest men” and “Parlament.”⁹⁶ Among them

⁹⁵ Editor Arnold Williams, note CPW 2: 479.

⁹⁶ The text gives no reason to assume that these would not be overlapping categories.

can “truth be suffered to be truth, or liberty to be liberty.” Such ‘free speech’ lets those able few “to inform themselves rightly in the midst of an unprincipled age.” Milton bids “this Kingdom beware”⁹⁷ to accept the validity of the royalist argument against popular republicanism: “whether learning be not (which our enemies too prophetically feared) in the way to be trodden down again by ignorance” (CPW 2:479). Free speech is a blessing and privilege of the few rather than a common right.

It is such a view of free speech that is often repeated in *Areopagitica* (1644), “by privilege to write and speak what may help to the further discussing of matters in agitation” (CPW 2:561). Due to its major role in the history of free speech, my study will peruse this work at length and in detail. Starting from even the name *Areopagitica*, the allusions to Areopagus of ancient Athens have showed both democratic and conservative connotations to scholars.⁹⁸ Much depends already on how Athenian democracy and parrhesia itself is perceived,⁹⁹ although it should be kept in mind that undoubtedly most of Milton’s perception of Athens (and much of ours) comes from Athenian political writers and playwrights of the classical age, who were not necessarily the most enthusiastic proponents of the democratic polity.¹⁰⁰ To this must be added the effect of the later commentaries on classical works, which further affected the way seventeenth century authors read and interpreted them.¹⁰¹

Despite the vast amounts of scholarship, there is one aspect in Milton’s usage of classical references that has remained hitherto quite unstudied. The title-page of *Areopagitica* includes a quote and Milton’s translation from Euripides’ *The Suppliant Women*. While the quote and

⁹⁷ At this stage of the Civil War, Milton does not (yet) present his republican arguments excluding monarchy on principle – the reasoning is pro-Parliament and anti-tyranny, not democratic nor anti-monarch.

⁹⁸ Thoroughly compiled in Eric Nelson, “‘True Liberty’: Isocrates and Milton’s *Areopagitica*,” *Milton Studies* (40) 2002: 201-21.

⁹⁹ Arlene W. Saxonhouse, *Free Speech and Democracy in Ancient Athens*, Cambridge: 2006, pp. 11-16.

¹⁰⁰ Josiah Ober, *Political Dissent in Democratic Athens: Intellectual Critics of Popular Rule*, Princeton: 1998.

¹⁰¹ Nelson, “True Liberty” presents an example of such reading.

its translation by Milton have garnered much attention in Milton studies, the rest of the play has not. Keeping in mind the thorough literary scholarship of Milton and his various adversaries, a reasonable assumption can be made that the rest of the play did not present arguments completely at odds with Milton's views – in such a case it would have surely led to some sort of conflict within the community of writers.

For the purposes of this study, the most significant parts of *The Suppliant Women* are in Theseus' speech to Adrastus, where Theseus explains the tripartite division of citizenry. The middle class is the one "which keep cities safe," the rich are "useless, always greedy for more," and the poor are "dangerous, because they are guided for the most part by envy and, deceived by the tongues of unscrupulous demagogues."¹⁰² Then, when Theseus deliberates with his mother, Aethra, he asserts his powers as a leader: "The people of Athens will agree if I want it, but they'll be more amenable if I give them a share in the discussion."¹⁰³ *The Suppliant Women* fits well with Milton's philosophy of public speech: denouncing the dregs of populace in their willingness to follow demagogues, and praising the righteous rule of a single worthy – even if he has to go through the motions of addressing the assembly for pragmatic purposes.

Read in this context, the free speech in *The Suppliant Women* is free speech as counsel, which is "the true Liberty when free born men,/ Having to advise the public may speak free," as translated my Milton for the title page of *Areopagitica*. Freedom of speech here does not imply any mode of expression, but only those with a purpose. In addition, it entails a notion that such liberty of counsel is a privilege – in the sense that it should be given only by those who are able. Such a man "who can, and will, deserv's high praise;/ Who neither can, nor will, may hold his peace." The giving of counsel is a commendable action that allows for distinctions to be made, yet it is considered an equitable political arrangement: "What can be juster in a State than this?" Milton's translation of these lines 437-442 of *The Suppliant Women* highlights the

¹⁰² Robin Waterfield translation, *Orestes and other plays*, Oxford, 2001: 238-245. To be exact, Euripides did not use the word 'δημαγωγόν', but 'προστατών.'

¹⁰³ Ibid. 350-2.

issues of equality and ‘true liberty,’ that are easily succumbed under the notion of free speech as simply unhindered speech.

In the exordium of *Areopagitica*, Milton prefaces his counsel to the Parliament with a *captatio benevolentiae*. As one of the abuses of rhetoric involved the degeneration of epideictic rhetoric into sycophantic fustian, when “all praising is but Courtship and flattery” (CPW 2:487), Milton professes how his praise of the wisdom of parliamentarians is not flattery since it is well deserved. Accordingly such wise men would know that public criticism from a well-intentioned source has beneficial effects. Such an audience would be “better pleas’d with publick advice” rather than being “delighted.. with publicke flattery” (CPW 2:488). This meant being ready to hear unpleasant things from those brave enough “in publick to admonish the State.” Such brave orators were “men who profest the study of wisdom and eloquence,” as those in “the old and elegant humanity of Greece” of “polite wisdom and letters” (CPW 2:489) – criteria, that would certainly not give an unlimited right of expression to all.

From the beginning, Milton sets qualifications for the speaker and audience. As the arguments against the Parliament’s licensing order are put forward, the content of the ‘free speech’ are laid bare. The Licensing Order would inhibit the learning and development of the worthy orators, as “it will be primely to the discouragement of all learning, and the stop of Truth, not only by disexercising and blunting our abilities in what we know already, but by hindring and cropping the discovery that might bee yet further made both in religious and civill Wisdom” (CPW 2:491-2). The argument for open discussion was for learned discussion with a purpose: the function is teleological rather than deontic.

The power of the textual content is explicit in Milton’s presentation of books:¹⁰⁴ “they do preserve as in a violll the purest efficacie and extraction of that living intellect that bred them. I know they are as lively, and as vigorously productive, as those fabulous Dragons teeth;

¹⁰⁴ Literally ‘texts’ would be more accurate, but since in our contemporary usage that word has gained other connotations, I have chosen to follow Milton’s usage and will refer to ‘books’ or ‘writings’ throughout.

and being sown up and down, may chance to spring up armed men” (CPW 2:492). It was possible that “best books to a naughty mind are not unapplicable to occasions of evill” (CPW 2:512). Clearly, depending on the reader, books can bring useful or harmful things to the world, yet that should not be a reason for banning them all outright. This is an approach that can be applied to the art of rhetoric itself, as in Aristotle’s *Rhetoric*: “If it is argued that one who makes an unfair use of such faculty of speech may do a great deal of harm, this objection applies equally to all good things except virtue, and above all to those things which are most useful.”¹⁰⁵

Besides the unintended uses of books, there are intentional abuses of propriety: licence, libels and blasphemy. The Licensing Order was not a well-working method of suppressing those: “this Order avails nothing to the suppressing of scandalous, seditious, and libellous Books, which were mainly intended to be suppress.” (CPW 2:491). Milton does not disapprove the intentions, and explicitly steers himself clear of such abuses, “lest I should be condemn’d of introducing licence, while I oppose Licencing,” referring to the authority of classical examples of “ancient and famous Commonwealths” (CPW 2:493). The most significant example is that of Athens, where “Books and Wits were ever busier then in any other part of Greece, I finde but only two sorts of writings which the Magistrate car’d to take notice of; those either blasphemous and Atheisticall, or Libellous” (CPW 2:494).

Milton did not disapprove the principle of suppressing books based on their contents as such, but rather his aim was to point out the risk of ‘throwing the baby out with the bathwater’ – that harmless and even useful learning would be lost as well as the harmful and useless. As a classical example of this happening, Milton recites an anecdote from Plutarch’s *Life of Cato the Elder*:

when Carneades¹⁰⁶ and Critolaus, with the Stoick Diogenes comming Em-

¹⁰⁵ 1.1.1 (1355b) J. H. Freese translation in Loeb edition Aristotle, Vol. 22, 1926. This part was left out of the 1637 translation, which has been attributed to Thomas Hobbes.

¹⁰⁶ On Carneades as the symbolic rhetorical hero: Skinner, *Reason and rhetoric*, 9–10, 98. The editor of CPW 2, Ernest Sirluck neglected to note that Milton refers clear-

bassadors to Rome, tooke thereby occasion to give the City a taste of their Philosophy, they were suspected for seducers by no lesse a man then Cato the Censor, who mov'd it in the Senat to dismisse them speedily, and to banish all such Attick bablers out of Italy. (CPW 2:497)

This was due to the Romans being “so unacquainted with other learning” (ibid.) that they could not make the distinction between philosophers and “seducers.” The point of this anecdote was to show how even the most virtuous of men could make bad decisions without the help of learning – just as learned men without virtuous upbringing could succumb to flattery or demagogy.¹⁰⁷

Furthermore, we should consider the meaning of this passage in relation to the republican commonplace on the decline of Roman eloquence concomitantly with its republican mode of government. Milton duly refers to the Tacitean view, where a dominating power inhibits all from writing: “From hence we shall meet with little else but tyranny in the Roman Empire, that we may not marvell, if not so often bad, as good Books were silenc’t” (CPW 2:499-500).¹⁰⁸ The fault of tyranny is to proscribe good books through blanket silencing, yet the conclusion to be drawn is not, that in a republic the promotion of good books required a general negligence of the contents of publications. Quite the contrary, as was the case of Cato, whose principles and intentions were noble, but he nevertheless erred in his judgement.

Milton presented some mitigating factors that should give pause to over-enthusiastic erring on the side of caution. One is the possibility of persuasion: as befits the republican view on the relations between law and rhetoric,¹⁰⁹ Milton asserts how “there were but little work left

ly to the story of Carneades as told by Plutarch in *Life of Cato the Elder* - and not to Cicero's *De re publica*.

¹⁰⁷ This applied to the contemporary Italy as well, as it were none “the better, the honester, the wiser, the chaster, since all the inquisitionall rigor that hath been executed upon books” (CPW 2:530) and where “nothing had bin there writt’n now these many years but flattery and fustian” (CPW 2:538).

¹⁰⁸ Locus classicus in Tacitus’ *Dialogus de Oratoribus*, (“A dialogue on oratory”): cf. Norbrook, *Writing the English Republic*, pp. 12, 135.

¹⁰⁹ This is a theme of a further study, more of which in the conclusion.

for preaching, if law and compulsion should grow so fast upon those things which hertofore were govern'd only by exhortation" (CPW 2:514). Instead of rigorous legislation, efforts should be concentrated on "those unwritt'n, or at least unconstraining laws of vertuous education, religious and civill nurture" (CPW 2:526). Not everything needed to be ruled by legislation, since an essential part of that virtuous education and civil nurture, the art of rhetoric in proper hands, provided for means to alleviate possible damages.

Rhetoric also lies behind Milton's view on presenting conflicting viewpoints.¹¹⁰ This can be seen as connected with the reasoning *in utramque partem*: "what wisdom can there be to choose, what continence to forbear without the knowledge of evil?" (CPW 2:514) One must listen to both sides, since "Truth may be on this side, or on the other" (CPW 2:563). Examples abound, as books are the means "both to the triall of vertue, and the exercise of truth"; and "our faith and knowledge thrives by exercise" (CPW 2:528). It should be emphasized that although Milton's approach requires a certain amount of toleration of differing viewpoints during the 'trials', these debates are not by their nature open-ended – eventually, the judgment does come.

The open battle to find the winning arguments seems at first glance to favour our current, but historically much later, analogy of a free market-place of ideas, and some of the analogies in *Areopagitica* seem enticingly favourable to such reading – e.g. when Milton describes "the incredible losse, and detriment that this plot of licencing puts us to, more then if som enemy at sea should stop up all our hav'ns and ports, and creeks, it hinders and retards the importation of our richest Marchandize, Truth" (CPW 2:548). However, the analogy here is not about truth being a commodity for sale, but about a blockade, as in blocking

¹¹⁰ I am deliberately omitting the term 'skeptical outlook' in the description, since the mild Academic skepticism behind classical rhetoric does not as such give grounds to see the uses or practices of rhetoric as proofs of skepticism as a full-blown credo, *pace* Randy Robertson, *Censorship and Conflict In Seventeenth century England: the Subtle Art of Division*, University Park, Pa.: 2009. Further elaboration of this stance will become evident in the course of this study.

access to information.¹¹¹ Truth in this analogy has the role it always has for Milton, as something of the highest imaginable value – priceless (as it were).

To get to the “Truth” there has to be some amount of open debate, which will not always be amiable. Milton acknowledged how “where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion *in good men* is but knowledge in the making” (CPW 2:554).¹¹² The crucial point is to find the middle road between licence and demagoguery, and similarly harmful arbitrary censorship. This point is put most succinctly when Milton describes the sheer unfeasibility of controlling all forms of potentially harmful public speech, where the pragmatic recognition is that “These things will be, and must be; but how they shall be lest hurtfull, how lest enticing, herein consists the grave and governing wisdom of a State” (CPW 2: 526).

At the end of *Areopagitica*, Milton returns to this question of political turbulence, retaining the qualified, positive view as it pertains to results as “when God shakes a Kingdome with strong and healthfull commotions to a generall reforming.” This is the occasion for demagogues: “’tis not untrue that many sectaries and false teachers are then busiest in seducing,” but what is then needed are the “men of rare abilities, and more then common industry” – humanists of Milton’s educational ideals. It is their role “not only to look back and revise what hath bin taught heretofore, but to gain further and goe on, some new enlighten’d steps in the discovery of truth” (CPW 2:566). With the help of rhetoric and other humanist learning, the aim was for the virtuous governors to make an informed decision, especially necessary in the field of government: “errors in a good government and in a bad are equally almost incident; for what Magistrate may not be mis-inform’d, and much the sooner, if liberty of Printing be reduc’t into the power of a few” (CPW 2:570).

¹¹¹ What this analogy says about Milton’s views on monopolies, free trade, etc. is beyond the scope of this study.

¹¹² My italics, to emphasise the importance of the interlocutors to the debate.

Despite the positive effects of free speech, it should be borne in mind that Milton's arguments for mitigating the negative effects also had limits. Not everything could or would need to be censored, but if the 'wars of truth' had yielded their winners, the losing side could and should be banned from the public sphere. Explicitly nominated candidates include "Popery and open superstition" (CPW 2:565). In addition, Catholic faith shows the dangers of religious demagogues, as it "will be hard to instance where any ignorant man hath bin ever seduc't by Papisticall book in English, unlesse it were commended and expounded to him by some of that Clergy" (CPW 2:519).

Milton's approach to Catholics shows in a nutshell his approach to public speech. His lack of toleration includes a proviso: "provided first that all charitable and compassionat means be us'd to win and regain the weak and the misled" (CPW 2:565), to show the possibility of persuasion. Similar ways are promoted when dealing with "schismaticks": "give them gentle meeting and gentle dismissions,.. debate.. and examin the matter throughly with liberall and frequent audience" (CPW 2:567). Nevertheless, in the end there is no question of assumption that they might be right – those battles have been had and the answers are clear. Miltonic toleration reaches all who are willing to see the errors of their ways.

These 'wars of truth'¹¹³ serve to explain why there cannot be a consistently liberal reading of *Areopagitica*, yet also why the republican reading of Milton needs further qualification. The tension between the need to allow open discussion on the one hand and the management of the debate on the other has led to scholarly entrenchment, so presenting the oppositions between these two readings serves not only to illustrate the enticing nature of Milton's arguments, but it turns out that the tension itself is indeed a fundamental aspect in Milton's political thought.

Bearing in mind what has been presented above on Milton's privileges and restrictions on speakers and speech, it is difficult to match his views with a general right of free expression. As for a republican Milton, the claim is much stronger: if looked from the perspective of

¹¹³ To paraphrase the title of Herschel Baker, *Wars of Truth: Studies in the Decay of Christian Humanism in the Earlier Seventeenth Century*, Cambridge, Mass: 1952.

a republican freedom in rule of law, there is nothing inherently unfree in accepting regulation of public speech and even censorship based on accepted and non-arbitrary legislation.¹¹⁴

Nevertheless – if we press the argument a bit – the next question would be whether the republican argument against self-censorship can be accommodated with the argument in *Areopagitica* for prevention of pre-censorship, but not the banning of books afterwards. If one is free to publish without prior licensing, yet can still be held accountable for publishing material that the republic does not approve of, there is a risk of encouraging the writing of non-threatening texts. Such an essentially slavish approach, favouring “flattery and fustian” is one that Milton rails against, so how can it be accommodated with republican censorship?

One argument for accommodation is to note that in order to be valid, such a presentation of republicanism largely assumes a debate, where there are many truths and all opinions are of equal value. For Milton, such a situation does not exist. Milton aims to find the right reason, and contradicting arguments cannot both be true. In *Areopagitica*, differing arguments need to be sifted in the public arena, but when truth will out, it means that those who are lying, spreading false claims, etc. should pay the price. The battle should not be so much suppressed as won for the right side, not just the most popular.

For the last argument on behalf of a republican reading of Milton, it is useful to consider yet another counterpoint from the liberal reading. If non-arbitrary censorship can be allowed why does Milton simply not state avowedly what he considers as licentious texts? One qualifying element has been already touched upon, namely that for Milton much depends on who speaks what to whom.¹¹⁵ Nevertheless, it is worth noting how simply arguing that for Milton the opposite of liberty is licence, is a somewhat facile argument, which also risks reintroducing the accusation of arbitrariness. Unless an exact equilibrium point between

¹¹⁴ Martin Dzelzainis, “John Milton, *Areopagitica*,” in *A Companion to Literature from Milton to Blake*, ed. David Womersley, Oxford: 2000, pp. 151-8.

¹¹⁵ Eric Nelson has usefully named this as Milton’s ‘Isocratean republicanism’. Nelson, “True Liberty.”

licence and liberty can be ascertained, simply postulating its existence as such does not quite remove the accusation of arbitrariness. If someone has the power to make a choice what is licence and what is not, the power by definition is arbitrary.

The seeming unwillingness on Milton's part to fully embrace either unhindered freedom or full-blown arbitrary censorship could lead us to assume his intentions from what he must have wanted, but could not say, due to the constraints of his epoch. Nevertheless, if there are to be made any postulations on what Milton thought, but could not say, then the claim should be more plausible when made from the perspective of works available to Milton. Accordingly, the last point of my analysis brings us back to the heritage of classics.

From classical literature we can easily find a certain high-ranking Roman trained in Greek philosophy professing how, *That in a free state, folke ought to have both tongue and thought free*.¹¹⁶ This man, who in addition set up many claims for free speech along the lines of those found in *Areopagitica*, was Tiberius – the bête noire of any classical republican. Later on in the “Life of Tiberius,” Suetonius gives a vivid description of the ‘dark side’ of allowing freedom of speech: it allows the spotting of ones enemies more easily.¹¹⁷ Milton was certainly aware of Suetonius’ work, since he even included a quote from the “Life of the Deified Claudius” in *Areopagitica* (CPW 2:504).

Accordingly, it is difficult to argue that Milton would have been completely unaware of this cruelly pragmatic argument for free speech. What I want to propose is that Milton deliberately left the argument non-explicit, because this pragmatic argument had been presented by authors whom it would not have been propitious for a republican to quote. Furthermore, the simultaneous omission of any counterarguments to this view adds further proof – one does not argue about what one agrees with. And finally, this thesis fits comfortably into the ‘the governing wisdom of State,’ so eagerly promoted by Milton. For Milton, the management of the public sphere required openness, but not

¹¹⁶ Suetonius, “Life of Tiberius,” 28 (Philemon Holland tr.), London: 1606.

¹¹⁷ Suetonius, “Life of Tiberius,” 61. Similar arguments can be found in Tacitus, *Annales*.

negligence. And if malefactors were to freely reveal their positions, all the better for the censors.

As mentioned, *Areopagitica* has become a hugely influential *fons et origo* for arguments on behalf of free speech, but at the time of its writing it was not recognised as such. In the preface to his next work, *Tetrachordon* (1645), Milton again inserted four lines of Greek, from Euripides' *Medea*, which have not gained as much scholarly attention as those in *Areopagitica*. Nevertheless, they present a somewhat contemptuous view of Milton's seeming anger in failing to persuade others of his superior knowledge: "For if thou bring strange wisdom unto dullards/Useless thou shalt be counted and not wise/And, if thy fame outshine those heretofore/Held wise, thou shalt be odious in men's eyes."¹¹⁸ The significance of Milton's frustration should not be exaggerated, though. After all, the fact of his continued publication until very mature years is evidence of continuing participation in the public sphere. Signs of exasperation may work also as exhortation (even if in practice, Milton's did not).

The importance of the lines from *Medea* is rather in Milton's continuing attempt to guide policy-making in the direction of singular wisdom, no matter how strange it may seem to the wicked or uninitiated. In the exordium, 'To the Parliament', Milton presents one example of this argument, through that "which I knew to be the part of a good magistrate, aiming at true liberty through the right information of religious and civil life" (CPW 2:578). As before, 'true' and 'right' are qualifiers requiring "the deep and quiet stream of.. direct and calm deliberations," and the parliament Milton exonerates is exceedingly "different from the rash vulgar" in that respect (CPW 2:579).

In one way, *Tetrachordon* shows an important aspect of Milton's argument for free speech, due to the text being a counter to attacks on his earlier works. This personal aspect shows how Miltonic free speech works out in practice, and as will become apparent, Milton's arguments remain consistent to what has been argued in the study so far: Milton argued for some leeway in order to fight the battle for truth in a level

¹¹⁸ Euripides, *Medea*, lines 298-301 (Loeb translation).

field, – “learned debatements are privileg’d with a due freedom under equal Moderators” – but not to argue against just constraints, “any just censure,” as such (CPW 2:579).

It should come as no surprise that in this particular case Milton argues for the justness of his own case and defence, which requires for him to “take licence by the right of nature, and that liberty wherin I was born, to defend my self publicly against a printed Calumny” (CPW 2:580). Reciprocity does not follow for his opponents, as “why I should be subject, in such a notorious and illegal manner, to the intemperancies of this mans preaching choler” (CPW 2:581).

Nevertheless, there is an added dimension to the argument that Milton likes freedom of speech for himself, but not for others. However correct – if facile – that argument might be, it is very difficult to promote such a wish into a generally accepted rule. At least, there should be some arguments as to why public speech is laudable, welcome, acceptable, or unacceptable. In *Tetrachordon*, Milton provides such arguments in his plea for the justification of his battles, worth quoting *in extenso*:

For if sound argument and reason shall be thus put off, either by an undervaluing silence, or the maisterly censure of a rayling word or two in the Pulpit, or by rejecting the force of truth, as the meer cunning of eloquence and Sophistry, what can be the end of this, but that all good learning and knowledge will suddenly decay (CPW 2:583).

Areopagitica covered the dangers of suppressing the wars of truth preventively, and in turn *Tetrachordon* presents the consequences of suppression, due to desertion by the participants.

After the exordium, the main text of *Tetrachordon* provides some elaborations on the theme familiar from *Areopagitica*, how the abuse of something does not prevent its proper use. Granted that the topic is actually divorce, but the argument for divorce – the *abusus non tollit usum* argument – is consistent with that made on behalf of free speech: “although it could not be avoided, but that Men of hard hearts would abuse this liberty, yet doubtless it was intended, as all other privileges in Law are, to good men principally, to bad only by accident” (CPW

2:620-1).¹¹⁹ The essential criterion is again the presence of good men, which differentiates liberty from licence. It was not “reasonable to talk of honest and conscientious liberty among them, who had abused legal and civil liberty to uncivil licence” (CPW 2:643).

The importance of the argument that only properly educated good men can enjoy privileges such as free speech was brought out most succinctly in Milton’s *Sonnet 12*,¹²⁰ written after the publication of *Tetrachordon*:

this is got by casting Pearl to Hoggs;
That bawle for freedom in their senceless mood,
And still revolt when truth would set them free.
Licence they mean when they cry libertie;
For who loves that, must first be wise and good; (ll. 8-12).

My earlier argument about why Milton published works seething with disdain applies to this sonnet as well, but it should be acknowledged that after 1645 – for whatever the reasons may have been – Milton did retire from publishing political tracts until the end of Civil War, during which time other authors rose to prominence, including Marchamont Nedham.

2. *Marchamont Nedham*

Marchamont Nedham was born in 1620, in Burford, Oxfordshire and studied at All Souls College in Oxford, obtaining his B.A. at the age of 17. He then left for London to become an assistant teacher at Merchant Taylor’s School. After four years Nedham changed employers, becoming a clerk at Gray’s Inn. With the advent of civil war journalism Ned-

¹¹⁹ A theme reiterated in *Colasterion*, a text published simultaneously with *Tetrachordon*, “that this Law is a pure and wholsom national Law, not to be with-held from good men, because others likely enough may abuse it to thir pleasure” (CPW 2:723).

¹²⁰ Edition used: John Milton, *The Complete Poems*, John Leonard (ed.), Penguin Classics 1998.

ham began his career as a political writer.¹²¹ During his career Nedham changed sides several times, which naturally created problems not only for his contemporaries, but also for later scholars who have had to draw their own conclusions whether the man was a serial turncoat and a hack, or did he hold on to some principles – republican or otherwise – throughout his career.

As mentioned in the introduction, this study steers away from neat political categorisations. However, when the writings in question do show explicit adherence to and promotion of, for example, classical republican tradition, then it is judged valid to refer to a republican mode of writing (conviction aside). In addition, the study of an ambiguous character such as Nedham can actually be very fruitful in relation to public speech, since it allows for a comparative analysis: i.e. through reflecting the changes in Nedham's political thinking to those in his views on public speech, we gain valuable information about the interrelations between the two.

What is apparent in 1645, when Nedham was writing for the parliamentary side in *Mercurius Britannicus*, is how far removed his stance was from promoting any universal right of free expression. At this time in his newsbooks – where besides news there were often a few lines of commentary in the beginning and the end on topics the author/editor added – he wrote how persons found to “maliciously utter any things against parliament” should be charged with “high treason.” To Nedham, the “licentiousness in common discourse” led to the “seduction of the ignorant, with the disheartening of the well-affected people.” At this stage he was ready to award informers with the subsequently confiscated estates of such “malignants.”¹²²

¹²¹ Biographical information from Worden, “Marchamont Nedham,” p. 60; Blair Worden, “‘Wit in a Roundhead’: the dilemma of Marchamont Nedham,” in *Political Culture and Cultural Politics in Early Modern England: Essays Presented to David Underdown*, eds. Susan D. Amussen, Mark A. Kishlansky Manchester: 1995, p. 305; Blair Worden, *Literature and Politics in Cromwellian England: John Milton, Andrew Marvell, Marchamont Nedham*, Oxford: 2009.

¹²² Worden, “Wit in a Roundhead,” p. 313; [quotes from *Mercurius Britannicus*, 30 June 1645, p. 800]. “Malignant” was a stock term by which the Parliamentary party designated its opponents: cf. CPW, 2: 488n.

It should be stressed that Nedham's argument, while clearly biased in favour of his employers, was only aimed at the public level. Nedham's goal was not the reformation of man, to whom then liberty of speech could be allowed, but rather freedom of thought without uninhibited freedom to express those thoughts. To Nedham, there was "no reason why mens consciences should be burdened" or bound by ordinances and opinions "which they cannot be perswaded of." Nevertheless, such freedom of conscience did not imply a freedom to prozelytise. Temperance was more important than "liberty of tongue": "were there but any Christian moderation, there would be neither cry nor groan for Liberty." What was said and how mattered, and accordingly Nedham could counter the argument for liberty of speech in service of truth, by retorting that "Truth gains nothing by ill language."¹²³

There are at least three possible explanations of Nedham's strict separation of inner and outward freedoms. First is the interests of peace: Nedham promotes the management of public discourse in order to maintain political peace. The argument for peace, under various guises – social harmony, etc. – is indeed one of the commonplaces in the source materials and accordingly has found its way to the research literature as well. However, this commonplace has become a somewhat banal answer, precisely since it was a widely shared aim of the period – not many authors would advocate a constant war for its own sake. Concentrating on this point alone would simply leave us with a platitudinous description of an author A, e.g. Nedham, being different from author B, e.g. Milton.

Second, and a more fruitful answer is to point out Nedham's anti-clericalism, which, as will become apparent in the course of this study, is constant throughout his long career. Whether in his parliamentary or royalist modes, Nedham vehemently opposed puritan values: his republican writings show the fullest flourishing of his anti-puritanism, but his royalist writings also show the same tendency. And neither did

¹²³ Marchamont Nedham, *Independencie No Schisme. Or, An Answer to a Scandalous Book, entituled, The Schismatick sified: Written by Mr. John Vicars*, London: 1646, July 16, pp. 2-3.

Nedham promote the Church of England in his royalist writings.¹²⁴ This animus does not seem to have come as a consequence from his political theory, and is usually seen to have come from his subjective preferences to his personal morals – or, in the case of drinking and debauchery, lack of them. Eventually, for the purposes of this study we may take Nedham’s anti-clericalism as given, but one that should be kept in mind in order to understand his political thought.

The third explanation proposed in this study is to claim that Nedham’s political theory relies on a general attempt to restrict political participation, one aspect of which is to curtail freedom of speech. In such a view, individual freedom of conscience can indeed be tolerated, but it would not create a contradiction to concomitantly deny open debate. At this stage, the source material is too limited to fully test this hypothesis, but later stages of this study will show whether the anti-participation thesis can hold water.

In 1646 the first Civil War was going well enough for the parliamentary side that a decision was made to stop publishing *Mercurius Britannicus*. Whether this caused Nedham to fall out with his previous employers due to him being a loose cannon, or whether he considered that the new political agenda was not to his liking, may be questions without definitive answers. What matters most for this study, is that the sources show us a quick but gradual, rather than a sudden change of allegiance. In June 1647 Nedham published *A case of the Kingdom Stated*, where he proposed ways to peace, accommodating the interests, among others, of both the Royalist and the Parliamentary sides.

Before going further in analysing Nedham’s changing allegiances, we must take stock of his use of the term ‘interests.’ It has been argued that in the history of political theory, the adoption of interest theory – under which *ragione di stato*, reason of state and other variations on the theme can be jointly labelled – has played a significant part in the theory of republicanism by abandoning the ideal of a citizen as a rhetor. As mentioned in the introduction, concomitantly with rhetoric made obsolete by the printing revolution, interest theory is thus seen to have

¹²⁴ Worden, “Wit in a Roundhead,” p. 304; Worden, *Literature and Politics*, pp. 29-30.

replaced symbolic forms of speech, such as rhetoric.¹²⁵ The role of interest theory has been seen as especially essential in interpreting the thought of Marchamont Nedham.¹²⁶ For Blair Worden, “in his theory of interest, Nedham found another mean of penetrating the exterior falsities of political behaviour and language.”¹²⁷ Similarly, Alan Houston has quoted Nedham in an attempt to show how “the language of interest cut through the confusing and hypocritical cant of political life, providing a clear and unambiguous guide to human conduct.”¹²⁸ In this interpretation, interests represent the unconcealed truth, independent from the forms of speech, thus making interest theory into a form of rhetoric-free political theory.

Although the larger issue of the decline of rhetoric is outside the bounds of this study, there are a few problems in emphasising the role of interest theory, by making rhetoric obsolete in general and in Nedham’s relation to it. The first problem concerns interests as a rhetorical tool: not only that asking *cui bono* was hardly a novel invention in political writing, but the language of interests was also used as a way of setting *ethos*, or to use the technical term, as the *captatio benevolentiae*. Giving the impression of a dispassionate, disinterested observer is what Nedham often did, as in the exordium to the *Case of the Kingdom Stated*: “none can take just offence, since I state the Interests of all indifferently.”¹²⁹

Obviously, it would hardly be a strong argument to criticize the view of interest theory as purely an anti- or arhetorical tool, by claiming that it was purely rhetorical. My claim is simply that the language of interest *could* be used rhetorically, notwithstanding the authors’ claims

¹²⁵ Luhmann, “Familiarity, Confidence, Trust.”

¹²⁶ Prominent works include Gunn, “Interest Will Not Lie,” and Gunn, *Politics and the public interest*.

¹²⁷ Worden, “Wit in a Roundhead,” p. 317.

¹²⁸ Alan Houston, “Republicanism, the politics of necessity, and the rule of law,” in *A nation transformed: England after the Restoration*, eds. Steven Pincus, Alan Houston, Cambridge: 2001, p. 255.

¹²⁹ Marchamont Nedham, *The case of the kingdom stated: according to the proper interests of the severall parties ingaged*, 1st ed., London: January 1647, sig. A1v. Cf. [Nedham] Mercurius Pragmaticus, *A plea for the king and kingdome: by way of answer to the late remonstrance of the army*, London: 1648, sigs. A1v-2r.

otherwise. Taken at face value, the possibility of this tactic has been sometimes neglected in earlier studies on interest theory. In fairness to Alan Houston's assertion on Nedham above, he did note on the same page that the role of interests in political thought has yet to be written. In order to do that properly, facile portrayals of political writers as mere rhetoricians or advocates of early modern *Realpolitik* must be avoided.

The analysis of interest theory will continue more fully at later stages of this study, but already in the *Case of the Kingdom Stated* it is possible to view some of the aspects that disabuse us of the notion of interest theory as an apolitical and unambiguous method of political theory. As was mentioned earlier, the stating of disinterestedness was a rhetorical commonplace, but in addition, what Nedham in the pamphlet presents as 'interests' are mostly his own political aims dressed as objective interests. The pamphlet advocated peace, parliamentary process, "just Liberty," and is hostile to the Presbyterians.¹³⁰ A representative example is in the conclusion as to the "true *Interest* of the city," which was "to leave the *Presbyterian Cause* to stand or fall, by *Reason* and *sober debate* in *Parliament*."¹³¹ Not to put too fine a point on it, but Nedham is rather using the rhetoric, than the language of interests.

In July 1647 Nedham published another pamphlet, which showed a further step towards accommodation with the royalist party. When still writing for the parliamentary side in *Mercurius Britannicus*, Nedham attacked the king's flattering advisers, whose evil ways were to blame for the civil wars.¹³² Nevertheless, in *An Apology for the Army* – which Nedham had continuously supported even at the expense of the parliament – Nedham continued the critique of flatterers, but this time in a much more positive way towards the king, "whose wisdom I doubt not is prooffe against all flatteries tending to his ruine."¹³³ Crossing to the other side is easier when one is already straddling the fence.

¹³⁰ Nedham, *Case of the Kingdom*, sigs. A2r-v.

¹³¹ Nedham, *Case of the Kingdom*, p. 16.

¹³² Worden, "Wit in a Roundhead," p. 309.

¹³³ Marchamont Nedham, *The Lawyer of Lincolnes-Inne Reformed: Or, An Apology for the Army*, London: 1647 July 17, p. 6.

Furthermore, Nedham's switching of sides was certainly helped by his way of writing, which – as befits the rhetorical culture of the epoch – presented *pro et con* arguments followed by a judgment. Nedham used the style to such an extent, that he would often use long excerpts from earlier works verbatim, add a few lines to give emphasis to some issues and downplay others, and accordingly changing the judgement to suit his current needs. The use of this technique and the shameless cut-and-pasting also serve to explain Nedham's impressive output of text over the years. A good example is *A Paralell of Governments*, from August 1647, which used classical examples, Machiavelli's works and other texts of the republican canon in order to put forward an explicitly pro-royalist argument.¹³⁴ The following month Nedham began as the editor of a royalist newsbook *Mercurius Pragmaticus*.

In his new royalist mode, Nedham quickly appropriated the division between positive, wise eloquence and negative sophistry and demagoguery to a non-republican purposes – which goes to show that the connection between rhetoric and republicanism is far from obvious. Towards the end of 1647, when Nedham wrote against the Levellers, he compared their ideas to the astrologist William Lilly, who deceived “the credulous world, by making them believe strange things” and how by his “Sophistrie” he deluded them, although his writing was “made up of tautologies and barbarisme.”¹³⁵ A better example of positive eloquence was “Sir Thomas” – in all likelihood, Sir Thomas Fairfax – who “hath wrought by mild and gentle Speeches, by his discreet and wise deportment, that not onely our owne protest against [the Levellers], but doe acknowledge their revolt with teares.”¹³⁶

Another accusation of sophistry took place in 1648, when “contrary to all law and reason [Parliament] will prove with their wild Sophistrie to be both good and requisite” and they “would indeavour to prove by Sophistria, that which they have no warrant for.” In a nod to the practice of parliament, the locus classicus of deliberative rhetoric,

¹³⁴ [Marchamont Nedham], *A Paralell of Governments*, London: 1647 August.

¹³⁵ [Marchamont Nedham] *Mercurius Pragmaticus*, *The Levellers levell'd, Or, The independents conspiracie to root out monarchie*, London: 1647 December 8, p. 9.

¹³⁶ Nedham, *The Levellers levell'd*, p. 13.

Nedham proclaims his intention to “returne to [the Parliament] their owne words according to their owne practices, and tell them, That all the Rhetorique used in this point,... might have been spared.” Nedham did not view this “Rhetorique” positively, as it is meant “to abuse the minds of well minded people, and to heighten their fancies.” However, this was not so much an attack on rhetoric as such, as simply an attack on the other side of the debate, who used it “against our proceedinge.”¹³⁷ A type of paradiastole is used: the other side was one of demagoguery, whereas Nedham was eloquent.

In case of demagoguery, Nedham might have changed over to the royalist side, but the demagogues remained the same. In *An Answer to a Declaration*, they were again the priests. Nedham marked them as fifth-columnists, performing their “impietie” from the pulpit and printed pages alike. It was the “Forraign Nations” who encouraged the “Independent Ministers” into preaching against the king, monarchy and government.¹³⁸ As for Nedham’s views against participation, in November of the same year Nedham attacked those who would flatter the “rascall Multitude” with notions of popular rule.¹³⁹ For a turncoat, some elements of Nedham’s cause remained surprisingly stable.

At this stage, it is useful to consider the question of his audiences. If we assume that Nedham changed tack back and forth between popular republican pamphlets and a more aristocratic mode, the changes seem unexpected and can understandably give rise to accusations of glaring opportunism. Yet if we consider what the expected audience of the texts was, then – together with the already noted gradual changes and stable elements of his political writings – his disloyalty becomes more comprehensible.

To a large extent, the most probable audience would have had humanistic and rhetorical training. In previous scholarship, the republicanist newsbooks of Nedham and others, that extensively use examples

¹³⁷ [Marchamont Nedham] Mercurius Pragmaticus, *An Answer to a Declaration*, London: 1648, pp. 3-4.

¹³⁸ Nedham, *Answer to a Declaration*, p. 11.

¹³⁹ [Marchamont Nedham] Mercurius Pragmaticus, *A plea for the king and kingdom: by way of answer to the late remonstrance of the army*, London: 1648 Nov 30, p. 26.

of classical history, are “evidently written with a wide readership in mind,” assuming “a basic knowledge of Roman history in their readers.” This strengthens the impression “of a politically and intellectually alert electorate.”¹⁴⁰ Yet the electorate is not all the people, and since Nedham refers often to “the People,” it would seem important to clarify this audience: who exactly would have been the citizens of his republic or kingdom?

Alas, in the England of the 1640s, where political tracts of all kinds proliferated, defining concepts like ‘the People’ loosely was surely a sensible strategy. In such a case as Nedham’s, it allowed the ideological somersaults: it was prudent for him to praise “the People” in one context and blame “the rabble” in another, even if the reference group seems to be the same. Obviously the deliberate ambiguity also laid the door open to various misinterpretations. What must be the most plausible interpretation from his texts, whether writing for the Roundheads or Royalists, is that Nedham was never a social revolutionary. As the fear of demagogues, antagonistic attitude towards the Levellers and the need for a humanistic elite shows, Nedham had no love for the multitude, the vulgar, or the rabble.

As a last point, the question of popularity can be further clarified by considering the aesthetics of his writings. Nedham had the training and talent for satire, jocularly and saw himself as an accomplished wit. But shifting sides forced Nedham to accommodate his writing accordingly. For wit, if defined as Cicero did in *De Oratore* (2.58.236),¹⁴¹ was a sign of an erudite, urbane orator. Such qualities did not always suit his texts easily, as he changed his posts, thus creating problems of decorum. In the early 1640s Nedham wrote for the Puritan cause, which is considered to have been “generally hostile to or ill at ease with wit and merriment.” Then Nedham’s attention was on the self-professed plainness of his writing when compared to his opponent’s pretentious style. Yet his writing was not perceived as such by them, since

¹⁴⁰ Worden, “Wit in a Roundhead,” p. 319.

¹⁴¹ As, “vel quod ipsum oratorem politum esse hominem significat, quod eruditum, quod urbanum: it shows the orator himself to be a man of finish, accomplishment and taste.” M. Tullius Cicero, *De Oratore* 2.58, Loeb ed., London: 1959.

Royalists derided Nedham precisely for defiling the literally noble art of wit. Although Royalists were not always above Nedham in resorting to populism, their accusation focused on the faulty decorum of using an exclusively elite style in a totally inappropriate manner: trying to seduce the vulgar classes. Accordingly when Nedham changed sides to the *Mercurius Pragmaticus*, he scorned the Roundheads for being incapable of such wit that he was now committed to.¹⁴² In a nutshell, Nedham's style and politics were not a perfect fit for either side of the conflict, but fitting enough to be useful to both, and allowed changing sides easily. Which was exactly what would become necessary in 1649 with the advent of the new republic.

¹⁴² Worden, 'Wit in a Roundhead', pp. 308-9, 320, 322-323.

PART II Commonwealth 1649 - 1653

3. *Return of Milton*

In the final days of January 1649, Charles I, King of England, Scotland and Ireland went to trial and as a punishment his body politic was divided into its constituent parts. An event of this magnitude was bound to influence much of the political writing – not to mention career prospects – of the authors under study. For John Milton, it meant a return to the sphere of public debate from years of silence. What is clear is that his skills as a writer had not been dulled, as already in February he published *The Tenure of Kings and Magistrates*, to defend the act of decapitation.

Whether the argument in *The Tenure* is best described as being against monarchy, tyranny, or the enemies of mankind, is still disputed, and will certainly not be conclusively solved in this study. Nevertheless, as the topic of *The Tenure* is so crucially connected to the question of legitimate political authority, a few words on Milton's argument will be mentioned. In the course of this study the topic of legitimate authority will be shown to be crucial in understanding many of the arguments for free speech in a republican mode.

Milton presents in *The Tenure* a version of the origin of authority in “cities, towns, and commonwealths” as follows: “because no faith in all was found sufficiently binding, they saw it needful to ordain some authority, that might restrain by force and punishment what was violated against peace and common right.” This is a view of authority as necessary force, but qualified as one that requires consent by those both protected and threatened by such force. As in the course of time people

had “by trial... found the danger and inconveniences of committing arbitrary power to any,” they had to “invent laws” that were “either framed or consented to by all.” The goal was to “confine and limit the authority of whom they chose to govern them.”

When consent is lacking, as in the case of “the unjust authority of kings,” then “the relation between king and subject can be no other than regal authority and subjection.” Here Milton’s view of authority is mainly similar to a simple force: a just force, when it reflects the “authority of the people,” and an unjust one when reflecting simply the king’s own. The other aspect worth noting is how Milton conveys a sense of authority, as something held at the behest of the people, yet there seem to be few tangible checks on such authority. Accountability seems to rely simply on avoidance of revolution and rule of law, as changes to authorities happen “merely by the liberty and right of freeborn men to be governed as seems to them best” (CPW 3:198-99, 206).¹⁴³

We shall return to the question of authority at later stages: for now the study will continue to examine what Milton argues about rhetoric and politics. Milton explicitly attached the republican ideal of freedom to his conception of *vir bonus*, while simultaneously linking the abuse of rhetoric more closely to the ill-meaning men, as “none can love freedom heartilie, but good men; the rest love not freedom, but licence” (CPW 3:190). This would apply especially to the treacherous, demagogic presbyters, who “after they have juggl’d and palter’d with the world” from “thir Pulpits and thir Pamphlets, to the ingaging of sincere and real men,” have turned “revolters from those principles” (CPW 3:191). Again, it fell to the virtuous few, “the task to those Worthies which are the soule of that enterprize,” to be a sort of revolutionary vanguard “amidst the throng and noises of Vulgar and irrational men” (CPW 3:192).

As before, the problem was not rhetoric per se, but its abuse by false orators, “The unmaskuline [as opposed to that of a *vir bonus*] Rhetorick of any pulling Priest or Chaplain.” The otherwise admirable ability to see many sides to an issue was no excuse for duplicity, when commit-

¹⁴³ Note that Milton adds “even if no tyrant,” so his theory is explicitly not simply against tyranny.

ted by “the ignorance or the notorious hypocrisy and self-repugnance of our dancing Divines, who have the conscience and the boldness, to come with Scripture in thir mouthes, gloss’d and fitted for thir turnes with a double contradictory sense, transforming the sacred verity of God, to an Idol with two Faces, looking at once two several ways; and with the same quotations to charge others, which in the same case they made serve to justifie themselves” (CPW 3:195-6). This view is in line with Milton’s earlier arguments about the need to come to a judgment and standing resolute, the opposite of which are the actions of unprincipled weathervanes.

Such abuse of rhetoric was not be hidden from Milton, who could easily recognise a paradiastole: “He who but erewhile in the Pulpits was a cursed Tyrant, an enemy to God and Saints, lad’n with all the innocent blood spilt in three Kingdoms, and so to be fought against, is now, though nothing penitent or alter’d from his first principles, a lawfull Magistrate, a Sovran Lord, the Lords anointed” (CPW 3:197). Presbyterians were clearly opportunist, seditious demagogues: “almost in all the Sermons, Prayers, and Fulminations that have bin utterd this sev’n yeares by those clov’n tongues of falshood and dissention; who now, to the stirring up of new discord, acquitt him” (CPW 3:197). They were “Ministers of sedition,” “Mercenary noisemakers” acting “as if sedition were thir onely aime” (CPW 3:236). Yet Milton was careful to lay the blame only on the demagogues, not on the whole “party calld Presbyterian, of whom I believe very many to be good and faithfull Christians, though misledd by som of turbulent spirit.” It was Milton’s duty to write so “that men may yet more fully know the difference between Protestant Divines, and these Pulpit-firebrands” (CPW 3:238).

It has been argued that only in 1649 was Milton troubled by the verbal ambiguity present in the treacherous equivocation of the presbyterian ministers.¹⁴⁴ However, as the previous chapter showed, the animus towards firebrand priests was already present in his earlier works, and the argumentation does not change a great deal. It might be that among the reasons why Milton chose to break his silence of many years

¹⁴⁴ Loewenstein, *Representing Revolution*, pp. 175-190.

was his possibly growing opposition to presbyterians, but that is only conjecture. Whatever the reasons were, it is obvious that writing *The Tenure* was a much better career move than Milton's earlier prose works. He was quickly hired by the new powers to write counter-propaganda, and the first of these commissioned polemics came out already in May 1649, the *Observations on the Articles of Peace*, where Milton continued his attack on preaching demagogues. They were far from virtuous orators: it was "shameless hypocrisy, and of meer wolves in sheeps cloathing, to sow sedition in the Eares of all men" (CPW 3:322).

Besides the continued attack on demagogy, Milton returned to another earlier theme, that of education. In the *Observations* Milton castigated the "pittiful store of learning" of the demagogic "deceivers," which accordingly makes for such dangerous and vile preaching. The foremost issue was learning, not so much the efficiency, as Milton admits that "the rancour that leuens them have somewhat quickn'd the common drawling of thir pulpit elocution" (CPW 3:322-323). The crucial lack is that of decorum, "utterly forgetting to be Ministers of the Gospel, they presume to op'n their mouths not *in the spirit of meeknesse*, as like dissemblers they pretend, but with.. devilish malice, impudence and falshood" (CPW 3:327). Those properly educated could see these faults: "let men reflect a little upon the slanders and reviles of these wretched Priests, and judge what modesty, what truth, what conscience, what any thing fit for Ministers, or wee might say reasonable men can harbour in them" (CPW 3:332).

It was one thing to counter poorly written propaganda, but texts of higher quality presented their own problems. Soon after the beheading of Charles I a book purporting to present an autobiography of the late king's suffering was published. The positive image of the king in *Eikon Basilike* made the book no friends among the new authorities, yet it was a publishing hit: there were 36 editions during the year 1649 alone. Eventually, the skills of one of the new counter-propagandists were commissioned to come up with a riposte, and in October 1649 the *Eikonoklastes* of John Milton was published. The two main problems Milton had to deal with were the quality of the text, and its audience.

In the author of *Eikon Basilike* Milton had a rhetorically able op-

ponent, who “by smooth and supple words” sought “to make som beneficial use or other ev’n of [king’s] worst miscarriages” (CPW 3:377). Similarly, Milton also objected to the use of paradiastole to make the virtuous conduct of Parliament appear self-seeking and corrupt.¹⁴⁵ This was clever use of rhetoric by the opponent, and at one point Milton admitted to the rhetorical skills of his opponent: “Wee have heer, I must confess, a neat and well-couch’d invective against Tumults; expressing a true feare of them in the Author, but yet so handsomly compos’d, and withall so feelingly.” As the rhetoric of the tract did not allow for an easy attack, Milton attacked instead the intellectual content: “But the matter heer considerable, is not whether the King, or his Houshold *Rhetorician* have made a pithy declamation against Tumults” (CPW 3:382). Likewise Milton attacked the hidden intentions in the content, with *Eikon* being “the artificialest peece of fineness to perswade men into slavery that the wit of Court could have invented.” (CPW 3:392). Later in the tract Milton attacks the lack of logos in *Eikon*, arguing that proof is not gained “by a Game of Tictack with words” (CPW 3:564).

Taken at face value, it has seemed reasonable to argue that the reason why Milton did not write “a rhetorical tour de force” was that he wanted to persuade his readers “not with lavish rhetoric but with the simple truth.”¹⁴⁶ However, this is simply to confuse excessive ornamentation (a rhetorical fault) with plain style (a rhetorical style).¹⁴⁷ For a better understanding of the publications made to counter the opponents of the new republic, it is necessary to appreciate how Milton, as befitted a writer trained in rhetoric, followed an ordered, formal rhetorical approach. He attacked the ethos of his opponents, then analysed their arguments, whether they are well founded, and also, whether there was any utility and moral value in them – these would be overlapping, un-

¹⁴⁵ Skinner, *Visions of Politics*, vol. II, p. 281, quoting CPW III: 501.

¹⁴⁶ Laura Blair McKnight, “Crucifixion or apocalypse? Refiguring the *Eikon Basilike*,” in *Religion, literature, and politics in post-Reformation England, 1540-1688*, eds. Donna B. Hamilton, Richard Strier, Cambridge: 1996, p. 150.

¹⁴⁷ Brian Vickers, “‘Words and Things’ – or ‘Words, Concepts, and Things’? Rhetorical and Linguistic Categories in the Renaissance,” in *Res et verba in der Renaissance*, eds. Eckhard Kessler and Ian Maclean, Wiesbaden: 2002, pp. 287-335.

like interest theory sometimes may let us assume. In the case of *Eikonoklastes*, Milton went through pages of arguments to show that there were not any tumults, and true to the rhetorical method – following a denial of the accusations – he followed by arguing that anything close to being considered tumults, were rather the king’s own fault. This approach explains for a great part the sometimes seemingly incoherent and contradictory approach to the counter-attacks – Milton’s opponents do not know what they are talking about; even if they do know, then what they talk about does not exist; even if it did exist it would not be a problem; if it would be problem they are not the ones to speak about it, or at least properly. The approach is formal, and not necessarily intellectually coherent.

One of the attacks Milton makes on the learning of the writer of *Eikon* is worth a more detailed study, since it is so intricately related to one of the main topics of this study, i.e. demagoguery as a term. Much ink has been spilled over a segment of *Eikonoklastes*, where Milton seemingly denigrates the word ‘demagogues’¹⁴⁸ as used in *Eikon Basilike*:

Setting aside the affrightment of this Goblin word; for the King by his leave cannot coine English as he could Money, to be current (and tis beleev’d this wording was above his known stile and Orthographie. (CPW 3:393)

A number of hypotheses have been put forward as to significance of this passage, not all satisfactory.

The first claim is the easiest to refute. Since the OED gives *Eikon Basilike* as the first instance of the use of the word ‘demagogue,’¹⁴⁹ it has been argued that Milton did not like the word: it was an ugly neologism, a case of the ‘King coining English.’¹⁵⁰ As a matter of fact,

¹⁴⁸ In fact, in CPW the quote from *Eikon Basilike* reads “Damagogues,” but this is simply a typo. The editor of the volume 3, Merritt Y. Hughes used the copy of *Eikonoklastes* in British Library, (599e18(1)), where the word is clearly “Demagogues” (p. 32).

¹⁴⁹ Despite my emailed attempts at correction.

¹⁵⁰ Few examples: Merritt Y. Hughes in CPW 3:393n38; John Leonard, *Naming in Paradise: Milton and the language of Adam and Eve*, Oxford: 1990, p. 180; Thomas Corns, “Milton’s English,” in *Companion to Milton*, ed. Thomas Corns, Oxford: 2001, p. 103. Corns goes as far as to suggest that ““Demagogue” proved a useful

it was already in use 20 years earlier by Hobbes, as mentioned in the introduction.¹⁵¹ This fact was not lost on an early critical interpreter of the passage in 1651, who wanted to ridicule Milton for his “learned observation” that “deserves the Laurell. Why is demagogue a more hobgoblin word, then Pedagogue?” The author of the *Eikon Aklastos* pointed out that the word could have been transcribed “out of many English Authors without offending against orthography.”¹⁵²

On the question of neologism, we are thus left with two choices: a) Milton was not familiar with earlier uses of the word, such as in Hobbes’ Thucydides translation, b) Milton did know the word, but nonetheless did not like it. The first choice would require such neglect of contemporary feats of learning that it would be an extremely unlikely possibility. The second option is supported by Milton’s restraint in using the word in his other texts, but the evidence of absence indicates only the absence of evidence. The argument of neologism ultimately leaves only conjecture, supported by ambiguity.

Another possibility is that Milton was attacking the lack of classical learning in the *Eikon Basilike*. The orthography could be an attack on the proper usage of the word in Greek – in the continuation of the sentence in the passage in question, Milton makes a reference to the author’s use of the word demagogues, “saving his Greek.” This could mean three things: first, the word itself was wrongly chosen – for example, in Plato’s *Gorgias* (482c) *demegoros* is a word used for a crowd pleaser, rather than the ‘leader’, *demagogos*. Second, the declension of the word could be faulty: if the proper plural were to be used, the correct form should be *demagogoi* – or *demagogi*, as in the early modern Latin translations from Greek. Thirdly, the word is not used in the right context. The first two are again possible but conjectural, whereas the third can

addition to the word stock, achieving rapid currency, and was picked up and adopted by Hobbes.”

¹⁵¹ See also earlier in *Certain Considerations*, p. 11.

¹⁵² [Joseph Jane], *The image vnbroaken: a perspective of the impudence, falshood, vanitie, and prophannes, published in a libell entitled Eikonoklastes against Eikon basilike, or, The pourtraicture of His Sacred Majestie in his solitudes and sufferings*, Leyden?: 1651, pp. 115–16.

be more fully assessed.

To assess the right context, we must ascertain the content of the concept rather than the word alone. Rather than arguing against neologism, Milton is said to accuse, by the “affrightment of this Goblin word,” the association of demagogues with scaremongering.¹⁵³ One option is to assume from this that Milton thought demagogues were worth standing up for, “good Patriots,” and was diametrically opposed to their denigration. Such a claim is not quite plausible logically, as it would be a non sequitur to conclude from his mockery of the word in use alone, that his views on demagogy were opposite to those of the author of *Eikon Basilike*. Furthermore, it would also require us to assume that Milton suddenly changed his mind completely about the dangers of demagogy, in addition to assuming that none of his readers would have been familiar with the pejorative uses and contexts of the term that can be found from the classical works, especially in Aristoteles’ *Politics*.

This is what Milton argued about “good Patriots” in context: [italics indicate phrases taken from *Eikon Basilike*]

if the people *were sent for, embolden’d and directed* by those *Demagogues*, who, saving his Greek, were good Patriots, and by his own confession *Men of some repute for parts and pietie*, it helps well to assure us there was both urgent cause, and the less danger of thir coming” (CPW 3:393).

It is more plausible to assume that Milton is pointing out that the word demagogue, in its usual, pejorative sense does not apply to the “good Patriots,” “men of repute” and “piety” acting upon good and true cause: thus, “saving his Greek.” This is one of the most recurring themes in Milton’s works: arguing against words stolen out of their original contexts and used to false ends. Furthermore, the formulation of “less danger of thir coming” could also mean that even in such a context, popular movements are not completely risk-free. And finally, this passage is yet another presentation of the view that virtuous men cannot possibly be demagogues.

Obviously, demagogues are only as dangerous as their audience,

¹⁵³ Annabel Patterson, *Milton’s Words*, Oxford: 2009, p. 103.

of which Milton had few good things to say. Indeed, the popularity of *Eikon Basilike* certainly did nothing to alleviate Milton's antipathy towards the masses. At the end of *Eikonoklastes*, Milton showed little lenience to "the worthles approbation of an inconstant, irrational, and Image-doting rabble," that "credulous and hapless herd, begott'n to servility" (CPW 3:601). Such an audience was a fertile breeding ground for trouble-makers, who could rely on "the envy and almost infinite prejudice likely to be stirr'd up among the Common sort" (CPW 3:339). It was the "low dejection and debasement of mind in the people" that was both cause and result of the success of religious firebrands: "the Pulpit stuff" of the "Prelats and thir fellow-teachers, though of another Name and Sect," whose purpose "hath bin the Doctrin and perpetual infusion of servility and wretchedness to all thir hearers" (CPW 3:344). Thus "by so strange a method amongst the mad multitude is a sudden reputation won, of wisdom by wilfulness and suttle shifts" (CPW 3:345).

Besides the religious demagogues, the troubles of England could be traced to the court fawners and flatterers, as "those neerest to this King and most his Favorites, were Courtiers and Prelates; men whose chief study was to finde out which way the King inclin'd, and to imitate him exactly" (CPW 3:350). This was repeated more strenuously as "None were his [Kings] friends but Courtiers, and Clergimen, the worst at that time, and most corrupted sort of men," who were "his Apes" (CPW 3:370). In the "language of a Courtier" words such as "honour and civilitie" mean mainly "complement, Ceremony, Court fauning and dissembling" rather than "as they did of old, discretion, honesty, prudence, and plaine truth" (CPW 3:539). Milton set his republican virtues against the worst of civil conversation.

The same lack of virtues was the lot of the popular demagogues, who could have not been farther from the civic ideals, as they also were "without the least true pattern of vertue, righteousness, or self-denial in thir whole practice" (CPW 3:344). Accordingly, it was again up to the virtuous few "to resist and make head against the rage and torrent of that boistrous folly and superstition that possesses and hurries on the vulgar sort" (CPW 3:348). The abuses of rhetoric could happen in a monarchical as well as in a popular government setting, whereas the

solution was always the same: the virtuous few.

The concluding question to the discussion on *Eikonoklastes* can be whether the virtuous few can be the elected few. Milton did refer in *Eikonoklastes* to frequent elections as an ancient liberty, removing of which amounted to tyranny on the king's behalf (CPW 3:408). Milton also defended popular action on behalf of law and authority, and the role of popular representatives, as "they undoubtedly having most authority to judge of the public good, who for that purpose are chosen out and sent by the people." Nevertheless, Milton omits any arguments as to why frequent elections, or acknowledging popular opinion would be a good thing per se, and whether representatives have any other accountability to their electors than what they themselves deem fit when creating the law of the land. There is little evidence to support popular action for any other reason than when it incidentally brings good results. For Milton, authority and power can be just or unjust, good or bad depending on their connection with the voice of reason.

Milton's next task involved defending the commonwealth abroad as well as at home. In November 1649 – a month after *Eikonoklastes* was published – Salmasius's (Claude Saumaise) defense of the reign of Charles I, *Defensio Regia pro Carolo I*, came out. In January 1650 Milton was commissioned to write in Latin for the international audience a riposte, which was published in 1651.¹⁵⁴ The result, *Pro Populo Anglicano Defensio*, (hereinafter *Defence of the People of England*) continues in the line of *Eikonoklastes* in being – among other things – a very personal attack and shows Milton's rhetorical skills in the service of the republic at their best. What that meant in practice, is worth examining in more detail.

Unlike in *Eikonoklastes*, Milton gives no acknowledgement to the rhetorical skills of Salmasius: the "unjust slanders" are made by a "vain sophist" (CPW 4:303), a "barbarous rhetorician," mere "grammarian" with a "great passion for calumny." As a classicist, his writing is in "a kind of Latin," (CPW 4:306) and his "foolish professorial talk" make for a "tiresome pedant" (CPW 4:307). Similarly, his other opponents are "bungling and immoderate panegyrists" (CPW 4:550), the writer

¹⁵⁴ Worden, *Literature and politics*, p. 230.

of *Clamor* picked out as “a wandering beggar performing for a crowd” imitating “the sounds of only the basest animals.” There is “no use for a petty rhetorician so rank and fetid” (CPW 4:648).

Salmasius had attempted to be more persuasive by claiming not to use rhetoric, but Milton, who saw no problems in a *bona fide* oratorical approach, turned the argument around: there was “no need for what you cannot accomplish.” From such “dull, stupid, ranting, wrangling advocate” there was to be nothing “requiring toil, clarity or taste,” and best he could manage would be “flowery rhetoric” (CPW 4:324). The “empty windbag” cannot “avoid the use of such rhetorical coloring as [he] can manage,” being closer to “some brazen hawker at a country fair,” and should therefore abstain from any claim to “ability at rhetorical narration” in the sense of a true “orator, historian, or even the meanest advocate” (CPW 4:325-6). The faults of Salmasius were not limited to bad rhetoric, bad Latin or bad cause, but also bad ethos, as he had a “churlish and unmannerly spirit and nasty habits” (CPW 4:457).

If Milton had low tolerance for bad rhetors, he did not have a high opinion of the audience of popular rhetoric either. On the masses Milton retained his negative views on the “raging mob of London hirelings and hucksters,” like “the vermin who followed Clodius.”¹⁵⁵ On this topic, Salmasius had held similarly negative views, and Milton admitted as much in saying how it “may be true of the dregs of the populace.” However, Salmasius had failed to make the distinction between the audiences of populist demagoguery and republican oratory, of Clodius and Cicero. The arguments against the mad multitude did not apply to the nature of the “middle class, which produces the greatest number of men of good sense and knowledge of affairs” (CPW 4:457-8).

Milton took Salmasius to task for failing to understand this crucial difference at all levels. On the grounds of biblical authority, Milton asserted how the church-fathers indeed declaim against “plots rashly undertaken through the madness of a mob,” but they speak “not of the summons of magistrates, Senate of Parliament to a people.” Com-

¹⁵⁵ Publius Clodius Pulcher, Roman populist politician, contemporary and opponent of Cicero.

ing from the proper authorities, there was nothing wrong in oratory towards the people. Especially were the contents of the oratory to represent a just and good message, such as the promotion of taking “arms against a tyrant” (CPW 4:413). Nonetheless, the contents of the oratory were of lesser importance than the source – agreeing with demagogues against tyrants would mean justifying means by the ends. As for the defense of monarchical authority, Milton returned to the fray with new tricks. Adding to his arguments on how the royal authority degenerates into tyranny, Milton came up with novel arguments on how royal authority is against God’s will, as the rabbins affirm.¹⁵⁶

Despite the presence of the arguments against monarchical authority, the *Defense* has nevertheless been seen as a text accepting it.¹⁵⁷ This theory relies much on the weight Milton put on the rule of law. As we have seen above, Milton’s arguments against flattery and tyrants, demagoguery and democracies rely on the lack of reasoned and non-arbitrary decision-making in such regimes. As things stand, Milton did assert how in all “civilized lands,” the unchanging principle of government required the acknowledgment of the superiority of “the authority of the laws and the Senate,” whether by emperors, magistrates or the people (CPW 4:382). Milton thus continued to omit giving credence to consensual or majority rule, and concentrated on the rule of law. This omission has been seen as an implicit acceptance of the possibility that a well-intentioned monarch might wield legitimate authority.

What is missing from this argument are the qualifications. Milton did indeed argue for submission to lawful powers and persons in authority, but hedged so, that if “whatever power or magistrate acts in the contrary manner” to their duties, the people are not “debarred from wise opposition,” since the resistance is not to a “power or magistrate here favourably depicted,” but to “a tyrant, and a foe” (CPW 4:385-6). In addition, Milton appealed to historical records to show that “There is no royal prerogative which places any restriction on justice or eq-

¹⁵⁶ More on this topic, Eric Nelson, “‘Talmudical Commonwealths’ and the Rise of Republican Exclusivism,” *Historical Journal*, (50), 2007, pp. 809-835.

¹⁵⁷ William Walker, “Paradise Lost and the forms of government,” *History of Political Thought*, 22 (2), 2001, pp. 270-299; Paul A. Rahe, *Against Throne and Altar: Machiavelli and political theory under the English Republic*, Cambridge: 2008, p. 115.

uity,” and that living under kings that were “subject to a Sanhedrin or a Senate or council” was living in a state of liberty (CPW 4:496-7). In the case of his own ‘senate’, Milton conflated both power and authority in the parliament – “the power of Parliament, which is actually and truly the supreme power of the people joined together in that council” (CPW 4:488)¹⁵⁸ – without considering electoral procedures any further than necessary: “the Parliament is the supreme council of the nation, established and endowed with full powers by an absolutely free people” (CPW 4:497).

To conclude, before proceeding to infer Milton’s acceptance of monarchy from these statements, it should be borne in mind that at stake in the debate is not formal anti-monarchism, as pertains to purely theoretical issues, but of actual, practical politics. It is doubtful that Milton was unaware of the difference between form and content, between names and real powers. By bringing in politics to the study of political thought, we can easily appreciate how it is possible to accept something with qualifications that effectively render the thing in question something else. In Milton’s case, we can see what all of his qualifications add up to: a ruler accountable to the supreme power of parliaments, without a right to use his powers as he pleases, without arbitrary prerogative. A few years earlier in the *Answer to Nineteen Propositions*, its writer, realising how qualifications to royal powers would actually take them away, had asserted how the mere taking away of the royal prerogative would make “the Kingdome a Republique.”¹⁵⁹ It seems that Milton was similarly ready to accept the legitimacy of monarchies – as long as they were republics.

¹⁵⁸ The original Latin is more explicit: “Parlamenti autem autoritas quae re & veritate, summa populi potestas in illum senatum collata est.” John Milton, *Ioannis Miltoni[i] Angli Pro Populo Anglicano Defensio: Contra Claudii Anonymi, aliàs Salmasii, Defensionem Regiam*, Londini: 1651, p. 151. Possibly the translator considered that due to Milton’s conflation, the translation of his text could similarly render both *authoritas* and *potestas* as simply ‘power.’

¹⁵⁹ Quentin Skinner, “The Monarchical Republic Enthroned,” in *The monarchical republic of early modern England: essays in response to Patrick Collinson*, ed. John F. McDermid, Ashgate: 2007, pp. 239-40.

4. *John Hall of Durham*¹⁶⁰

John Hall was originally from Durham but like Milton went to Cambridge to gain an education. There was much they shared in their politics during the 1650s, but even in Hall's earlier writings we can find similarities, such as the commonplace humanist critique of superficial learning and deplorable interest in unsavoury matters. In the first poem of his collection titled *Poems* (1646), "A Satyre," Hall describes

Poore leaden creatures yet shap'd out to rule,...
onely fed
With scraps of Tully.¹⁶¹

Such a student,

... rather then he'l construe Greek he'l chose
To english Ovids *Arte* into prose,

in order to try to impress his superiors.¹⁶² Unsurprisingly, Hall's own talent for classical learning was considered quite prodigal by his contemporaries.¹⁶³

Admittedly, "A Satyre" does not give its readers unambiguous or easy interpretations, as even the title would suggest. Nevertheless, whatever Hall's real intentions were – assuming that he had any apart from the jocular – the very first lines of the poem do give some inkling of the new 'public sphere' of the Civil War pamphleteering:

¹⁶⁰ Henceforth simply John Hall: 'of Durham' is simply to acknowledge the existence of another contemporary author, John Hall of Richmond.

¹⁶¹ Hall, *Poems*, London: 1647, lines 147, 149-50, p. 8 (sig. B4v).

¹⁶² Hall, *Poems*, lines 171-2, p.9 (sig. B5r).

¹⁶³ Biographical information from J. Davies, "An Account of the Author," in J. Hall, *Hierocles Upon the Golden Verses of Pythagoras*, London: 1657; and Jason Peacey, "Nibbling at 'Leviathan': politics and theory in 1650s England," *Huntington Library Quarterly*, 61 (2), 1998, pp. 241-257.

Pray let m' alone, what do you think can I
 Be still, while Pamphlets thus like hailstons fly
 About mine eares? when every other day
 Such huge Gigantick volumes doth display,...
 To see such Paper-tyrants reign, who presse
 Whole harmlesse reams to death...¹⁶⁴

This study will show that this animus, whether truly intended or not during the time of its writing, repeats itself in Hall's later political works. The pamphlets are railed against, yet Hall eagerly engages himself to write them nevertheless.

Another work that Hall published in 1646 was *Horae Vacivae*, a collection of essays. In this work we may find more elaborated reasons as to why pamphleteering was objectionable. In this context it should be stressed that when any notion of public sphere is promoted, the underlying premise is an assumption of informed choice. As such, this approach of advancing from opinions to knowledge was familiar to almost anyone trained in the *ars humanitatis*. Or as Hall put it: "Hee takes the best course to keepe his judgement from *biasing*, that narrowly heeds upon what principles both parties build, whether both stand fast to their owne grounds (as some in Philosophy *utraque pars est vera*) and whether ground is surer to build upon."¹⁶⁵

However, the notion that if two differing viewpoints make for better knowledge, then more is even better, was not something that Hall (and many others) would have agreed with. Such an idealisation of a public sphere would be essentially epiphenomenal, devoid of any consideration on who speaks what to whom – the rhetorical dimension. This dimension of public speech was not neglected by Hall. In "Of Opinions," Hall gave the lie to hopes of a calmly conducted public debate: "The multitude is *susceptible* of any opinions, being ever unconstant, suspicious, credulous, violently hurried away with them for the time, which is never long."¹⁶⁶

¹⁶⁴ Hall, *Poems*, lines 1-4, 7-8, p.1 (sig. B1r).

¹⁶⁵ Hall, "Of Opinions," *Horae Vacivae*, p. 7.

¹⁶⁶ Hall, "Of Opinions," *Horae Vacivae*, pp. 10-11.

Nevertheless, Hall's point was not to argue for irrationality, or different rationality. When Hall explicated the popular leaders' aim to glory, he noted that the people "are most *soone wonne*, and most *hardly held*." This was because "they rather desire to make men *great*, then they can endure them *when they are great*."¹⁶⁷ The multitude might be foolish, but not unpredictable in their actions. This led to an ambiguous situation for any prospective demagogue, as their rise to power might be as easy as their fall from it. In his later works Hall would present his solutions as to how public speech should be managed on an institutional level, but as can be seen, the basic ingredients were already present in the *Horae Vacivae*.

Like Milton had done two years earlier in *Areopagitica*, in "Of Preaching" Hall also used the dichotomy between law and persuasion: "The *Law* speakes wounds, the *Gospell* oyle." It was the "*vehemency* of the one, and the *delicacy* of the other" that were "the best *rhetorike* to win a *Soul*; the one *inforces Arguments*, the other *confirms* them."¹⁶⁸ The problems were not due to rhetoric but its users. Hall's antagonism towards one type of abuser, the firebrand priest, is evident in *A true account and character of the times, historically and politically drawn by a gentleman to give satisfaction to his friend in the countrey*.¹⁶⁹ In this short pamphlet¹⁷⁰ Hall presents as a "generall maxim" of policy, that "Clergy-men.. are a race of people, who though they least ought, have ever the basest ends of their owne."¹⁷¹ This characterisation of a priest as a demagogue – someone presenting his case as a common, or higher good, while actually pursuing their own hidden agenda – is not unsimilar to Milton and Marchamont Nedham.

Since the departure of Nedham from editing the *Mercurius Britani-*

¹⁶⁷ Hall, "Of Fame," *Horae Vacivae*, p. 55.

¹⁶⁸ Hall, "Of Preaching," *Horae Vacivae*, pp. 37-38.

¹⁶⁹ It was published in 1647, after Hall had moved from Cambridge to London – ostensibly to undertake legal training, but other things evidently came his way.

¹⁷⁰ The nature of the tract, and keeping in mind Hall's antipathy towards popular pamphleteering, make it plausible to suggest that the tract was aimed mainly at a selective audience – namely, his considered peers.

¹⁷¹ [Hall], *A true account*, p. 6.

cus, in 1648, there was a market opening for relaunching the title, as *Mercurius Brittanicus* (sic). Hall has been attributed as the editor of this newsbook, as well as of *Mercurius Censorius*. For the purposes of this study, these newsbooks yield little of value, other than as possible signs of Hall's increasing engagement in public affairs. At some point in 1648 John Hall found the occasion to write a tract concisely titled *Paradoxes*. Parts of the tract, four paradoxes, were published in 1650, and two more were added to an edition published in 1653. The reason for this seems to be that Hall had given the work to a friend of his, John Davies, who departed for France after the regicide and had left the publisher with only part of the whole work. After his return Davies managed to get the rest published.¹⁷² Davies' claim on dating the writing of the work to early 1649 (if not earlier) seems plausible, considering how the *Paradoxes* fits into the general line of Hall's early works such as *Horae Vacivae* – works showing off his mastery of different styles and genres of writing, whereas his later commissioned works are for obvious reasons more topical.

As the title of *Paradoxes* suggests, the interpretation of the work should not be based on face values. Bearing in mind the difficulties inherent in interpreting explicitly ironical works of this genre, there are a few plausible claims to be ventured of the work, which would correspond with the general argumentation of Hall's other works of the era.

The first paradox is “*That an absolute Tyranny is the best Government.*” This conclusion is reached through various examples of faulty logic, equivocation, etc. For example, through referring the Polybian cycle of revolution of government, and then inferring how “all other Governments are imperfect species till they be *consummated* and made *Tyrannical.*”¹⁷³ Hall continues in this fashion of specious arguments to defend courtiers, patriarchy, and all the other things he had been attacking earlier as vices of monarchies. Most of the arguments promoted are in essence distortions, or reductions to absurdity of the pro-monarchical arguments made in the era.

¹⁷² Bibliographical information from John Davies, “To the Reader” in Hall, *Paradoxes*.

¹⁷³ Hall, *Paradoxes*, pp. 3, 7.

In turn, the fifth paradox, is a similar assault on the more popularly minded political arguments. Hall pursues this paradox by presenting in a new light the commonplace problem of republican citizenship, whether republics depend in the last resort on virtuous men, or on strict legislation governing them: “unless men were *good Angels* they could not live in [commonwealths], or if they were *Divels* might possibly be forced unto peace, there is not one of them but hath forgot to set down this most excellent and considerable peice (sic) of reformation.” The solution to republican citizenship would be simply “*That Women ought to govern States rather than Men.*”¹⁷⁴

One of the reasons Hall gives to the preference of female governors is that they “are *talkative*.” This is “much the better for the *people*,” considering that one of the main complaints about autocratic governments had traditionally been the existence of “*arcana imperii*,” the lack of transparency: “*dark and obscure Princes*, that either mean nothing or ambiguously leave the people in suspence, and make liberty either dangerous, or flattery miscontrue it.”¹⁷⁵ For Hall, it was as ridiculous to assert the need for transparency and civic participation, as it was to promote tyranny as a form of government.¹⁷⁶

After the *Paradoxes*, Hall wrote a tract on the very topical issue of educational reform, *An Humble Motion to the Parliament of England, Concerning the Advancement of Learning*.¹⁷⁷ Hall painted an unflattering image of the current state of education, which obviously does not necessarily tell us much about the actual conditions. As mentioned earlier, complaints about educational institutions were a humanist commonplace of the time (and arguably remain so). Nevertheless, what Hall presents as the reasons for and expected gains due to the advancement of learning can shed further light into his political thought.

¹⁷⁴ Hall, *Paradoxes*, pp. 104, 107.

¹⁷⁵ Hall, *Paradoxes*, pp. 131-2.

¹⁷⁶ It is possible that this paradox was written and added to the 1653 edition, but there is no evidence of them being deliberately omitted from the 1650 edition. And as will become apparent, ridicule of the republican excesses was topical in 1650 as well.

¹⁷⁷ Cf. Norbrook, *Writing the English Republic*, pp. 212-15; McDowell, *Poetry and Allegiance*, pp. 203-5.

For Hall, the present state of education is failing in its duties. The ways in which otherwise salutary subject of Latin, Greek, philosophy and ethics are taught, have proved to be deplorable “in filling the world with detestable quacking Empericks, lewd, and contentious, Gown-men, or ignorant mercenary Divines.”¹⁷⁸ Rather than guiding the students towards the use of right reason and rhetoric, the system has become corrupt in encouraging sophistry and empty debating. Few men are left at the universities to engage students “in sober and rationally disputes, in which being restrained from sophistry, they may chase and polish their endowments, and whet one the other by praise or emulation.”¹⁷⁹ The “Colledges” have become “of little or no other use then to nourish the supine idlenesse of a few *Lurdans* [dullards], and foment their illiterate debates,” who “love bawling and canvassing such unlearned opinions which runne in this circle without end, and contribute not the least to the promotion or discovery of Truth.”¹⁸⁰

Seen alone, Hall’s goal of truth-seeking seems a reasonable demand from an educational system. Nonetheless, there is a political dimension to the advancement of education: it equals the advancement of liberty. For Hall, “the interest and prosperity, the decay and ruin of such literary Republicks principally depends” on the “reformation of those fundamental constitutions” of education.¹⁸¹ The political goal – the benefit of the state – does not have as its sole requirement well educated truth-seekers.

What does Hall refer to with the notion of “litterary Republicks”? It seems that Hall intentionally uses a double meaning, on the one hand to designate a republic of letters (an early version of *respublica literaria*), and on the other, a political conception of a republic led by men of learning. The first meaning is evident in a letter Hall wrote to Samuel Hartlib in April 1649, where Hall puts forward a proposal for an ‘Academy of Ingenuitys’, whose members would be chosen on the basis of

¹⁷⁸ John Hall, *An Humble Motion to the Parliament of England, Concerning the Advancement of Learning*, London: 1649, pp. 25-27.

¹⁷⁹ Hall, *An Humble Motion*, p. 28.

¹⁸⁰ Hall, *An Humble Motion*, p. 30.

¹⁸¹ Hall, *An Humble Motion*, pp. 5, 15.

performances ‘memorable or Serviceable to the Politique *or* Litterary Republickes’ (italics mine).¹⁸² The second meaning is explicated in *An Humble Notion*, which will be explored more fully.

One simple explanation of Hall’s promotion of ‘literary republics’ is that it gave the new commonwealth a reason for existence other than mere expediency.¹⁸³ However, this undoubtedly plausible explanation yields only the marketing tool of Hall’s theory, but not the reasons to its nature. The role of Hartlib is important, in order to shed light on the literary republic. Hall and Hartlib corresponded extensively, and among other things, Hartlib requested from him a translation of a *Christianapolis* by Johann Christian Andreae, which Hall published under the name of *A Modell of a Christian Society* in 1647. Andreae’s utopian fiction was notable for its trust in the power of education to create a society with much lessened need for legislation, e.g. in Hall’s translation “There shall not need many laws and injunctions.”¹⁸⁴

The downplaying of the capabilities of legislation in favour of the possibilities of human reason is present in Hall’s defense of the overturning of old laws: “For so long as humane reason is weake and imperfect, it can never provide any Lawes against all circumstances of chanc, length of time, fraud and weaknesse of mankinde, but it will bring forth a *necessity* to repeale them, equall, if not superiour to that which first enacted them.”¹⁸⁵ Again, a justification of the revolution cannot be taken out of the equation for this claim, but the argument does cohere with Hall’s notion of the ends of education.

Hall gives a picture of the development of human reason through education, as one of realisation that mere superficial learning would

¹⁸² Quoted in McDowell, *Poetry*, pp. 61, 62n.

¹⁸³ Norbrook, *Writing*, p. 216.

¹⁸⁴ Johann Valentin Andreae, *Christianapolis* [1619]: compare Hall’s translation, *A Modell of a Christian Society*, London: 1647, p. 51, and translation by Edward H. Thompson in *Archives internationales d’histoire des idées* 162, Dordrecht: 1999, p. 255: “There is no need of a code of laws.” It should be noted that Hall’s translation is very concise, so possibly his choices were intended to give the gist, rather than literal translation of Andreae’s work.

¹⁸⁵ Hall, *An Humble Motion*, pp. 19-20.

not be of “use among mankinde.” Hall’s aim was to create citizens who would be “masters of the true use of reason.” As an educational programme, Hall did not present very radical notions: the true use of reason meant “that it was better to grave *things* in the mindes of children, then *words*.” Again, the argument is not against classical rhetoric, but rather a ‘return to origins’ in the sense that Hall’s argument is not very far from Cicero’s or Quintilian’s ideas of the need to grasp the world of *res* in order to give *verba* more impact. Or in Hall’s words: “Language must of necessity adde beauty and perfection, and acquaint [speakers] with a much of knowledge.”¹⁸⁶

Nevertheless, Hall professes great faith in the capabilities of citizens raised through such educational programs. They would create almost utopian possibilities of societal arrangements, or “Scheams of Commonwealths.” In such a learned environment the leaders “shall then see Policy reconciled to Divinity, Morality, and it self, and yet better able to lay designes and prevent dangers.” Eventually, it will result in the “judgement of confusion, which hath so long and so heavily laine upon mankinde, [to be] by degrees removed.”¹⁸⁷

However, despite these utopian strains, what *An Humble Notion* ultimately presents is a compromise between Hartlib and Milton. The utopian, pansophistic role of education was something Hall clearly was much more at ease with than Milton, but at the same time his pragmatism in his policy proposals steers closer to Milton’s writings. Most evidently this middling position is present in Hall’s acknowledgment of how “an endeavour to bring all persons under the sway of knowledge, could not but approach very neare a *Platonicke* Commonwealth, and must in the triall enervate the people.”¹⁸⁸

And it is from Milton that Hall took the words to plead the parliament to “take off that hatefull *gagg* of licencing.” A plea that was

¹⁸⁶ Hall, *An Humble Motion*, p. 34.

¹⁸⁷ Hall, *An Humble Motion*, p. 44.

¹⁸⁸ Hall, *An Humble Motion*, p. 32; compare to Milton in *Areopagitica* (CPW 2:256): “To sequester out of the world into Atlantic and Eutopian polities, which never can be drawn into use, will not mend our condition;.. but those unwritten, or at least unconstraining laws of virtuous education, religious and civil nurture, which Plato there mentions.”

likewise qualified “with all due provision for the civill peace.” Like Milton, Hall is more worried about the effects of licensing upon learning: it “silences so many Truths, and frights so many ingenuities, and makes them abhorre the publick.”¹⁸⁹ In Hall’s literary republic, participation in public affairs was a good state of affairs – as long as it was done by those qualified through their learning. For them licensing was a hindrance, whereas unhindered free speech would have been neither necessary nor beneficial for the republic as a whole.

Just like for Milton, Hall’s engagement with the commonwealth literally paid off: in May 1649, Hall was enlisted by the government as a tract writer against the republic’s critics, with a salary of £100 per annum. His first commission was to write a reply to the presbyterian William Prynne, whose *A legall vindication of the liberties of England against illegall taxes* came out in July. In the following October Hall’s *A Serious Epistle to Mr William Prynne* was published, but since by September Hall had already departed for Scotland, it can be assumed that *A Serious Epistle* was written around August.¹⁹⁰

In the *Epistle* Hall continued the defense of the overthrow of old laws from *An Humble Motion*, albeit with more elaboration. He argued that mere appeal to common law and traditions would not suffice: “he that would exactly examine the justness of al changes of States and Commonwealths, Must have another Touch-stone then the bare Municipall Laws of a Country.” The role of reason is paramount, as it is “those Generall and Royall Laws of Reason [of] Nature, Nations and Necessity that must be appealed to.” Hall presents these attributes “as being fixt veritable and universall, whereas particular Ordinances of any place are not so,” which results in their being the measure of legitimate authority. Earlier claims to such authority were merely “either Impos’d by a power or become valid by contract,” and accordingly, were “no longer to be obey’d, when that power is broken or contract dissolv’d.”¹⁹¹

¹⁸⁹ Hall, *An Humble Motion*, p. 30.

¹⁹⁰ Bibliographic record from Jason Peacey, *Politicians and Pamphleteers: Propaganda during the English Civil Wars and Interregnum*, Aldershot: 2004, p. 199.

¹⁹¹ Hall, *A Serious Epistle*, p. 10. A Stoic connection in Hall’s thinking here is plausible, but not necessarily necessary.

Hall's use of the language of natural law creates a need to step back from some of our own contemporary usages of natural law theories. Currently, and due to long-term historical developments, natural laws are often conflated with natural rights. However, for someone like Hall, right and duties were of secondary importance – if at all – as the far more important issue was the right course of action from those administering the republic. His 'Stoic sages' needed working peace, and the individual needs and wants of "such and such a skittish person" were unimportant considerations "upon cases of necessitie" for the State. The best sorts of commonwealths "in whom the chiefe care and trust of preservation is reposed," were those with power to enforce such needs as "necessity and reason of State" required.¹⁹² From such arguments on behalf of subordination to the public weal, it was easy to make the case against free speech.

As mentioned earlier, in September 1650 Hall traveled to Scotland in Oliver Cromwell's entourage, as a war correspondent for *Mercurius Politicus*. In Scotland he also continued his functions as an official tract writer, and his next work, *The Grounds and Reasons of Monarchy*, was first printed at Edinburgh.¹⁹³ As the title states, the tract focuses explicitly on the invalidity of monarchy as a form of government. Hall argued that demonstrating the errors of monarchy is better proof than defensive arguments about other possible forms: "I had rather tell a man he was out of the way, than in endeavouring to lead him to the end of his journey, lead him further about."¹⁹⁴ This approach conveniently allowed Hall to avoid making open commitments as to the best political arrangements for the new republic.

A few more reasons can be mentioned as to the demonstrative nature of Hall's tract. One is in Hall's immediate continuation to the

¹⁹² Hall, *A Serious Epistle*, pp. 25-6.

¹⁹³ Edition used: J[ohn] H[all], *The grounds and reasons of monarchy considered: in a review of the Scotch story, gathered out of their best authours and records*, Corrected and reprinted according to the Edinburgh copy: 1651. Bibliographical information from Peacey, "Nibbling at Leviathan," p. 243. The initials J.H. in this work have caused some confusion over the years: it has been assigned to e.g. John Hunton.

¹⁹⁴ Hall, *Grounds and Reasons*, sigs. A3v-A4r.

analogy on telling rather than leading, which he puts in more philosophical terms: "Scepticisme is not onely uselesse, but dangerous; if in setting our thoughts in a posture of defence, it makes us absolutely wavering and incredulous; so had I rather be Scepticall in my opinion, then maintain it upon Grounds taken up, and not demonstrated." Much ink has been spilled on the importance of skepticism in early modern political thought, but Hall's argument goes to show that the while the problems of skepticism were indeed present in contemporary writings, they were hardly insurmountable.¹⁹⁵

It is clear that Thomas Hobbes's works had created a challenge to the way of writing political texts, but this seems to have much less to do with fundamental questions of epistemology, than with stylistic choices. This can be seen in Hall's acceptance of the formal validity of Hobbes' 'demonstration' of monarchy, but which he failed to assert: "Mr. *Hobs* in his *de Cive*, though he assured himself that the rest of his Book (which is principally erected to the assertion of Monarchy) is demonstrated, yet he doubts whether the Arguments which he brings to this businesse be so firm or no."¹⁹⁶ This allowed Hall to appropriate the form of Hobbesian argument, and use Hobbes' lack of proof on behalf of monarchy to his own advantage.

Nevertheless, the Hobbesian style was only adopted pro forma. Hall pays tribute to the mode of argument familiar from Hobbes when arguing against "Phylologicall and Rhetoricall Arguments," which "have not a little hindered the severer disquisition of reason, and proposessed the more easy mindes with notions so much harder to be layd aside, as they are more erronious and pleasing."¹⁹⁷ In practice, as will be shown, Hall uses extensively similar philological and rhetorical arguments: for example, by making an argument about the uselessness of argument by analogy, and then supporting it with a much better analogy fitted to his own purposes.

In *Grounds and Reasons* Hall rehearses the commonplace arguments

¹⁹⁵ Leading text: Richard Tuck, *Philosophy and Government 1572-1651*, Cambridge: 1993.

¹⁹⁶ Hall, *Grounds and Reasons*, pp. 49-50.

¹⁹⁷ Hall, *Grounds and Reasons*, p. 21.

on the corrupt, supercilious royal courts, where those “prepossessed with the affection of a Prince, or bewitched with some subdolous favour,” would care little for truth, reason or common good. The reasons given follow the traditional arguments of ‘supply and demand.’ Those “dazled with the splendor of a Court” do so due their lack of proper education: “it is no marvell if we see many Gentlemen whose education enabled them onely to use their senses and first thoughts,” and it is not in the monarch’s interest to promote any such education, lest the “enchantment” should be broken. As for the “Princes themselves,” having been “trained up in these Arts, or receiving them in Tradition,” they have an undoubted advantage in manipulating the court.¹⁹⁸

In addition, Hall argued that such rulers used their knowledge of “how to wind all their humours to their own advantage,” also for deceiving the public at large, “now foisting the Divinity of their Titles into Pulpits, now amuzing the People with magnificencies and inter-ludes.” In this demagogic role, the ‘princes’ could resort to populism if it was to their own private gain, for example by “giving up the eminentest of their Ministers (which they part with as indifferently as their Robes) unto the rage and fury of the People.” Against the combined power of the status and rhetoric of such a ruler, his cronies would not have much of a chance, given that they were “commanded and condemned by the same mouth.”¹⁹⁹

Thus far, Hall has presented the dangers of monarchy within the tradition of classical republican, Tacitean interpretation: princely rule corrupts its users as well as anyone under such a system. As can be expected, Hall proceeds to attack the prostrating language of evil counsellors in familiar terms, as “the Attributes of Sacred Majesty, Grace, and Highnesse; or any other Terms that the servile flattery and witty Barbarity of Courtiers can give unto them.” However, Hall does not push this point to argue for the inherent impossibility of good government under such a system, but instead argues that with some reasonable self-reflection men could resist the superficial razzle-dazzle of kingly splendor: “if men would call their reasons into Counsel, they might

¹⁹⁸ Hall, *Grounds and Reasons*, pp. 4-5.

¹⁹⁹ Hall, *Grounds and Reasons*, p. 6.

find that these blazing Stars were opake Bodies, and shone onely by reflection.”²⁰⁰

The possibility of being or becoming non-corruptible leads Hall to argue in effect against the inherent corruptive nature of monarchical rule. There are “good Princes being swayed by the advice of men, good and wise, and the bad seduced by men of their own inclinations.” Princes get the advisors they want. However, Hall’s argument is not simply to be in favour of accepting monarchy, because in some cases it might work. What he suggests is a bit more subtle. Starting from the proposition that at the end of the day, the rule of a prince can be only as good or bad, as are his counsellors, Hall continues to argue that a monarchy of good counsellors should rather be called an optimacy: “what else are all Monarchies, but in reallity *Optimaces* for a few only essentially govern, under the name of one.”²⁰¹

Left at that, Hall’s argument would merely have been a nicer re-description of a pejorative term. Accordingly, Hall pursues adamantly his preference for ‘optimacy,’ appealing to the authority of Virgilio Malvezzi who “contrarily [to pro-monarchists] remonstrates (in his discourses upon *Tacitus*) that Optimacies are clearly better than Monarchies, as to all advantages.”²⁰² There is a discrepancy between Hall’s earlier statement conflating monarchies and optimacies, to which two possible explanations present themselves. The first is pragmatism: it is plausible that the discrepancy is part of an intentional attempt not to argue against the possibility of a strong executive official, while still steering away from the strong monarchical claims – the loss of logical coherence being sometimes the price for politically astute statements. The second possibility is theoretical, concerning the institutional content of Hall’s optimacy: if monarchy is just a form of government among others, and in essence all forms of government (outside anarchy, which could be disqualified by definition as lack of government) are *de facto* optimacies, then a good monarchy is merely incidental whereas a good optimacy may be described and promoted. Which is exactly what Hall

²⁰⁰ Hall, *Grounds and Reasons*, p. 11.

²⁰¹ Hall, *Grounds and Reasons*, p. 15.

²⁰² Hall, *Grounds and Reasons*, p. 50.

did, notwithstanding his explicit claims to merely analyse the institution of monarchy.

The significant distinction between negative monarchy and positive optimacy is the amount of people involved. The content of government, “Civill matters[,] consist in long debate, great consideration, patient expectation and wary foresight, which is better to be found in a number of choice experienced heads, then in one single one.”²⁰³ However, despite the seemingly consensus-building nature of decision-making Hall paints with his imagery of “long debate, great consideration, patient expectation and wary foresight,” he did take into account the possibility of disagreement in a system without a dominant and dominating character. To Hall, such problems commonly attributed as faults in republican systems are rather its strengths. In this view, “Factions” only “poyse and ballance one another, and many times like the discord of humors upon the naturall Body, produce reall good to the Politicks.” Hall did also accuse monarchies of being highly vulnerable to dangerous factions despite their proponents claims to the contrary, but in this case the discrepancy can be explained by Hall’s hedging of the effects of factions in republics, where they were not dangerous “unless they be Cruelly exorbitant.” It is plausible to assume that that would be the case in monarchies.²⁰⁴

Again, so far Hall is treading on a familiar republican territory: leaving a single person to rule risks domination, and tumults are not necessarily a bad thing. Nevertheless, there are important qualifications to these assertions. Concerning “Civill matters,” Hall deviates from the standard republican account, by omitting from his definitions any reference to the commonplace republican idea on how that which did concern all, ought to be consulted of by all. Merely by definition, “a number of choice experienced heads” cannot mean everyone, but furthermore, Hall makes no attempt to broaden the scope even to those concerned by the matters under discussion. In Hall’s optimacy, there is no inherent right to to be consulted or even to have a say.

²⁰³ Hall, *Grounds and Reasons*, p. 19.

²⁰⁴ Hall, *Grounds and Reasons*, p. 20.

The same lack of rights applies to factionalism, which is a question of tolerance rather than of any right to dissent. When Hall attacks the royalist arguments promoting the ideal of unity and undivided sovereignty, he calls them to task for being “Flourishes, or merely Conceptions, such are the reference and perfection of an Unity, which must needs work better and more naturally, as one simple cause.” This analogy is not only unconvincing in itself, in “that it stills and restrains all other claims,” but also since it mistakes the nature of “many co-ordinate” claims, which can lead to beneficial ends: “though among many joynt Causes, there may be some jarring, yet like crosse wheels in an Engine, they tend to the regulation of the whole.”²⁰⁵ Complexity as such was not the problem: decentralised decision-making was workable when designed well, and factions were kept in limits.

Hall’s political arrangements were thus based not so much on notions of rights as on limits. An important limit was in popular political arrangements. Hall held no positive notions about elections. To begin with, there was little to praise in the idea of being ruled by the will of the “weak and stupid multitude.” And although the reference was to a royal coronation, Hall’s dismissive remarks are indicative of his views on the authority gained through elections in general: Hall saw them as merely a popular method of keeping tyrants in power, part of the manipulative ‘dazzling’ by princes.

As for that formall election and stipulation, who sees not what a vain and ridiculous cheat it is, they coming with swords in their hands to demand the Scepter of a weak and stupid multitude that appears onely to gaze upon the Ceremonies, and whose refusal were ineffectual; but it is a gracious piece of the Caball of *Tyrannie* to deceive the People with Shadows, Fantasmies, and names of Liberty.²⁰⁶

It was up to the chosen experienced heads in an optimacy to gain the true sense of liberty, which would not include such cheats as popular elections or universal free speech.

After the demonstrations of *Grounds and Reasons of Monarchy*, Hall’s

²⁰⁵ Hall, *Grounds and Reasons*, p. 50.

²⁰⁶ Hall, *Grounds and Reasons*, p. 35.

skills were commissioned to more straightforward defending of the Parliament's actions. Over the summer of 1651, the arrest, trial and subsequent execution of the Presbyterian preacher Christopher Love had created something of a media circus, to which Hall was ordered to reply.²⁰⁷ The chronology of events is telling of the rapid writing and publishing of political pamphlets at the time: Love was sentenced to death on July 5th and executed on August 25th. In between there were numerous publications asking for clemency, among them *Love's advocate* in mid-August.²⁰⁸ Hall's reply, *A gagg to Love's advocate: or, An assertion of the justice of the Parliament in the execution of Mr Love* came out within two weeks.

The main thrust of *A gagg* was to argue that Love and his acolytes were part of a Presbyterian demagogic conspiracy. The tract to be countered, *Love's advocate*, was an example of the abuse of rhetoric to such heinous ends. Straight from the start, where the author of the tract "hath don his part *captandi benevolentiam*," it was "to no other purpose then slily to conveigh into the mindes of them that see not so clearly" the justness of Love's execution.²⁰⁹ Hall proceeded to give his reasons as per that judgement, among which there was a long segment on the dangers of religious demagogy. For Hall, it had been a "sensible" decision by the Parliament to have "thrust all the black coats out of Commission, and made them incapable of civil offices." Nevertheless, the dangers of demagogy were not that simple to keep in check: "they cast out one Divel; and seven wors are enter'd in."

The description Hall gave is well representative of the generic image of the religious demagogue in the republican writings of the era:

²⁰⁷ Peacey, *Politicians and Pamphleteers*, p. 263.

²⁰⁸ [Anon], *Love's advocate, or Certain arguments tendred to the serious consideration of all that truly fear God, either in Parliament or Army, concerning M. Christopher Love minister, now a condemned prisoner in the Tower, for the utter repealing, or at least the moderating that sad sentence under which he now lyeth. With clear satisfaction to all contrary scruples to unbyassed spirits. / By a faithfull friend to the Parliament, one who never yet declined their cause to the right or left, but hath continued in their service from the beginning of their troubles to this very day*, London: 1651.

²⁰⁹ J.H., *A gagg to Love's advocate: or, An assertion of the justice of the Parliament in the execution of Mr Love*, London: August 1651, p. 7.

a young man, who hath had only the slender breeding of the Universitie, and som short acquaintance with systems to pearch up into the pulpit, and hence give laws to the State, subdivide the populacy to factions and interests, crie or decrie as it come's to their passion, profit, or Ignorance, which I profess I tremble at, and abuse that sacred and internall judg of man Conscience, leading it in the seducible, and screwing it, & transforming it into what shape they pleas.

The demagogue was thinly educated, out of his league, causing mayhem due to malevolence or ignorance, and paying no heed to the duties of his office. Faced with such terrors, there was little incentive to argue for great latitude in free speech.

However, it should be borne in mind that the vitriol Hall and the other writers under study could release against religious demagogues did not easily translate into any notions of secularism, separation of church and state. Hall, for one, explicitly steered away from chancing accusations of being anti-clerical: "Far bee it from mee it intend by this, that precious and seraphical part of the Ministrie, that daily bring in souls, and shine like stars in their several orbs; These that move like the heavens silently and constantly in their calling, yet daiely shed down rich and happie influences." Whom Hall had in mind were those not respecting the aforementioned duties of their office: "I meane those other that tread out of their paths, and in stead of preaching of Christ, faith, humilitie, obedience, &c, dispute passes, fall upon rears, bring in Intelligences, and so distort the word to varnish their own distractions."

The solution Hall advocated was not only to disallow civil offices from preachers, but to control strictly those who would venture outside their assigned realm, for them "the civil magistrate (to whom God hath intrusted the waies of saving his people) ought to beware as pests and banes of mankinde, as busie-bodies." Thus, Hall does not propose a separation of church and state, leaving each to their own devices, but rather he promotes actively pursuing and punishing religious demagogues. To Hall, it was "heroick to extinguish these firebrands that throw all Europe into flames and combustion."²¹⁰ Finally, it was clear to Hall that the demise of Christopher Love was not the end of the danger

²¹⁰ All quotations after the previous note from J.H., *A gagg to Love's advocate*, p. 15.

of religious demagoguery. To Hall, it was a conjecture “utterly groundless, if not absurd,” to assume that the Presbyterian party “should suddenly change their opinions, and laie aside their perversness,” “for the life of a single *Demagogue*.”²¹¹

In 1652 Hall briefly returned to translating Greek works. His preface to Longinus’ *Peri Hypsous* does not only give us an example of the seventeenth century perspective on rhetoric, but also shows the immediate political importance of theorising about it.²¹² When describing his “*conception of Eloquence*,” Hall explained the different views prevalent at the time. To one view the “*end of Oratory is to perswade or Gain*,” described as “A way of speech prevailing over those we designe it to prevail.” This is “*the short or Laconick way*,” but the other, “*the more spacious or Asiatick*” style was harder to describe. In the end Hall calls it “*Empire wholly commanding, yet never to be commanded*.”²¹³ The more difficult style is of course more rare, and also more glorious to those who master it: “*notwithstanding all the adresse and advantage it gives to publick persons, all the leans and establishment of future fame, the number of Oratours truly great, is scarce*.”²¹⁴ It is described as somewhat “*divine*,” “*Ethereall*” and “*above man*.”²¹⁵

Such high quality of rhetoric was the dominant one in ancient republics, of which “*Greece had the greatest Ascendant over Eloquence of any nation*.”²¹⁶ However, things had changed since then. The form of government had its rhetorical requirements from the citizens, and in the past “*In Senates and Harangues to the people length was necessary, for the same men acted both parts (and that in a single Citie)*.” These old ways of republican public speaking were no longer valid, “*the Scene is changed*,”

²¹¹ J.H., *A gagg to Love’s advocate*, p. 17.

²¹² John Hall, “To my Lord, the Lord Commissioner Whitelock,” *Περὶ ὑψους. Or, Dionysius Longinus of the Height of Eloquence. Rendred out of the Originall. By J.H.Esq.*, London: Nov 1652.

²¹³ Hall, “To Whitelock,” sigs. B1r-v. Discussed also in Joad Raymond, *The invention of the newspaper: English newsbooks, 1641-1649*, Oxford: 1996, pp. 274-5. However, Raymond sees only the first description as the definitive one.

²¹⁴ Hall, “To Whitelock,” sig. B2v.

²¹⁵ Hall, “To Whitelock,” sigs. B3v-B4r.

²¹⁶ Hall, “To Whitelock,” sig. A4v.

and “(*in Civil matters*) *we are to speak to the few and not the many,*” for two reasons. First, “*as the corruption of time hath diseases most Governments into Monarchies,*” there was less need of popular consent: “*that which was necessary to gain the people, degenerated in time to be in fashion in counsel.*” The second reason was that due to population growth, even the “*least of these few populacies now in being, is too great to be included in the same walls, or brought to the hearing of one voice,*” with the result that “*long studied orations being become uselesse.*”²¹⁷

As we can see, Hall’s politics were deeply intertwined with his views of rhetoric, and as for the other republican authors considerations of rhetoric were reflected against the classical republics. Rhetoric could have powerful political effects, which was precisely the whole point in translating old rhetorical works: or, as Hall marketed his work, it was the “*very point of Oratory*” to reign “*over the minds of men,*” to which end he could present “*these old precepts*” to “*conduct the greatest wits, and the sharpest observatours.*”²¹⁸ For Hall, rhetoric has lost the significance it had in the ideal of participatory citizen in a more democratic form of government, but even in the early modern era it was a power that should be used by those to whom it was appropriate: the wielders of legitimate power, the decision-makers, that is, the authorities.

5. *Nedham’s fall and rise*

For Marchamont Nedham, the new realities of power in 1649 initially spelled trouble. After the execution of the king in January, he abandoned for a while the editing of *Mercurius Pragmaticus*. He managed to resume publication of the newsbook from April to June, adding to the title the words (*For King Charles II*). The new edition largely continued the arguments familiar from his previous newsbooks: against arbitrary power from whatever the source. Nedham’s agility in face of the new situation is quite neat, arguing that the new tyranny was like the mon-

²¹⁷ Hall, “To Whitelock,” sigs. A7v, A8r-v.

²¹⁸ Hall, “To Whitelock,” sigs. A6v-A7r.

ster Hydra: "We thought to have cut off its head with one blow with the *Kings*, and now it hath got an hundred *new heads*, with a huge *taile* or train of *petty Tyrannies*, and a sting at the end of it, to wound and poison all our *Liberties*."²¹⁹

For a while, Nedham managed to evade the authorities and to publish his critiques of the regime of the new "King Oliver."²²⁰ Yet ultimately, with the advent of the new Treason Act, or the "new *Treason-Trap* of *State* to catch me and my *Intelligence*, as.. against honest *John Lilburne* and the *Levellers*,"²²¹ he was arrested and sent to Newgate prison in June 1649. During that time he wrote and published a pleading tract called *Certain Considerations Tendered in All humility, to an Honorable Member of the Councill of State, Aug. I 1649*.²²²

Concerning Nedham's time of imprisonment in June 1649, Nigel Smith has made the following hypothesis: "If we believe his claims that imprisonment gave him the leisure to explore classical sources, *Certain Considerations* sees the emergence of the republican theory which was later to emerge in *Mercurius Politicus*."²²³ For a few reasons, this hypothesis is implausible. The first is the continual presence of classical works already in his earlier works, many of which were also partaking in the republican tradition. The second, and most obvious one is that Nedham spent only six weeks in prison, compared to years spent at school and in the university exploring the same classical sources. Indeed, as he claimed in the preface to *Certain Considerations*, he wrote to his target audience "not as if you knew not these things already; but only out of a desire to be your Remembrancer."²²⁴

²¹⁹ [Nedham], *Mercurius Pragmaticus (For King Charles II)*, London: 1649, sig. A1v.

²²⁰ [Nedham], *A most pithy exhortation delivered in an eloquent oration to the watry generation aboard their admirall at Graves-end. By the Right Reverend, Mr Hugh Peters, Doctor of the chair for the famous Universitie of Whitehall, and chaplain in ordinary to the high and mighty K. Oliver, the first of that name, as it was took, verbatim, in short hand (when he delivered it)* London: 1649 May.

²²¹ [Nedham], *Mercurius Pragmaticus (For King Charles II)*, sig. A1v.

²²² Worden, *Literature and Politics*, pp. 18-19.

²²³ Smith, *Literature and Revolution*, p. 33.

²²⁴ Marchamont Nedham, *Certain Considerations Tendered in All humility, to an Honorable Member of the Councill of State, Aug. I 1649*, London: 1649, sig. A2v.

The third reason is that although there was indeed something new that came into Nedham's political writings from *Certain Considerations* onward, it was not directly from classical sources. What was new was Nedham's much heavier use of early modern continental interpreters of classics, whom we would call political Aristotelians, natural law thinkers and neo-Stoics.²²⁵ The works of Arnold Clapmar and Christoph Besold were especially important in *Certain Considerations* and would continue to be so in his coming works. Besold was a 'Civilian,' that is, a professor of civil law in Germany. The few studies on him argue that his influence outside Germany, especially in England, was minimal,²²⁶ and very few assert put significance to Nedham's usage of Besold.²²⁷

The attribution of influences is of course a question fraught with difficulties, and one that might never escape the accusations of arbitrariness on the scholar's part.²²⁸ In the end, the philosophical correspondence of the two texts cannot be but arbitrary, as it was so chosen by the quoting author. Nevertheless, there are three points that can be said on the connections between Besold and Nedham, none of which require us to consider the concept of influence or convictions. First is the rhetorical aspect of quoting: in political texts it is to a large extent an appeal to testimony, to other authorities on the subject – as considered by the author. And especially so in a pleading work such as *Certain Considerations*, where an appeal to "the best Opinions and Examples" was explicit in

²²⁵ Nedham, *Certain Considerations*, pp. 3-4, 10, 12 (Christoph Besold); p. 7 (Konrad Rittershausen); p. 11 (Justus Lipsius).

²²⁶ E.g. Julian Franklin, *John Locke and the theory of sovereignty*, Cambridge: 1978, p. 66; Conal Condren, *George Lawson's Politica and the English Republic*, Cambridge: 1989, pp. 51-7.

²²⁷ Johann P. Sommerville, "English and European political ideas in the early seventeenth century: revisionism and the case of absolutism," *Journal of British Studies*, (35), 1996, p. 175n; Robert von Friedeburg, "The Juridification of Natural Law: Christoph Besold's Claim for a Natural Right to Believe what One Wants," *Historical Journal*, (53), 2010, p. 2n. As the title of Friedeburg's article suggests, there is a similarity between Besold's and Nedham's earlier thinking on the freedom of conscience. However, Nedham's usage of Besold shows no evidence of any clear connection on this topic.

²²⁸ Quentin Skinner, "The Limits of Historical Explanations," *Philosophy*, (41), 1966, pp. 199-215.

order to purport objective reasoning.²²⁹

The second point is related to the first and has to do with the convenience of the arguments. The rhetorical choices are arbitrary but not random: that is, they are choices based on, and to some extent, governed by the needs of the quoting author to make his own case. Again, these choices can lead to being diametrically opposite to the intentions of the earlier author, or directly contradicting the internal correspondence of a philosophical structure, or vice versa. In this sense it would seem to be unwarranted to claim 'casual' use of an earlier author's texts:²³⁰ unless we can prove that usage is indeed casual – say, in a case where the author randomly chose his quotes – we should rather assume that quotes are chosen intentionally to support the case of the quoter. Indeed, other than making a facsimile of an earlier text it is difficult to rule out the possibility casuist, rather than casual, use – even by cronies.

What did Nedham then take from Besold's *de arcanis Rerumpublicarum dissertatio*, the book most often quoted in *Certain Considerations*?²³¹ For one thing, so many of the classical quotes are verbatim from that opus, that it could well be that Nedham relied on that book as his only source for quotations. Aside from bibliography, we know from the direct quotes three topics relevant to this study, first of which is the control of the clergy. This was not a new topic to Nedham, but one where he now had to take into account the new form of government. For Nedham,

²²⁹ Nedham, *Certain Considerations*, sig. A2v.

²³⁰ von Friedeburg, "The Juridification of Natural Law," p. 2n.

²³¹ The quoted title would indicate that the text used was the chapter 5, book 2 of Besold's *Polititorum libri duo: quorum primus reipublicae naturam & constitutionem, XII capitibus absolvit: alter vero, De republica in omnibus partibus gubernanda, IX sectionibus tractat*, [Frankfurt am Main]: Prostat Francofurti in officina J.A. Cellii, typographi Tubingensis, 1618, republished in an edition of Arnold Clapmar, *De Arcanis Rerumpublicarum Libri sex/illustrati a Ioan Corvino IC. Accessit, Chr. Besoldi De eadem materia discursus. Nec non Arnoldi Clapmarii et aliorum Conclusiones de iure publico. Editio nova priore in multis locis correctior*, Lugduni Batavorum [Leiden]: Apud Iacobum Marci, 1644, where the relevant section is marked *dissertatio* – and not *discursus*, *pace* Friedrich Meinecke, *Machiavellism: the doctrine of raison d'État and its place in modern history* [1924], London: 1997, p. 130.

the historical record in general was clear: invectives “under pretence of Religion” were never “tolerated by any prudent States-men.” But “especially in a *free State*, care must be taken to curb the licentiousnesse of *Sermoning*.” To support this argument, Besold was useful: “For, as it is observed by *Besoldus* the Civilian, this very thing was the ruin of those many flourishing Commonwealths in *Greece*.”²³²

Technically it could be argued that Nedham is confusing concepts, in the sense that political oratory, rather than religious sermons were behind most of the troubles of Greek city-states. However, this conflation is in the end intentional – as will become apparent, the whole point of the exercise is to present any religious speeches with political consequences as being political rhetoric under religious pretences. In *Certain Considerations*, as befits the style of the tract in aiming at a more elevated mode of analysis, Nedham elaborated more than before on the problems of clergy. He gave more historical examples, such as that of Girolamo Savonarola who “bewitched the People” with his “fraudulent Arts.”²³³ The reasons given were also more detailed: “whatsoever is delivered under a religious pretence, strikes an impression upon the soul, and through the ears sinks deep into the minds of the vulgar.” Proper subjects for priests were “what concerns the corruption of mens manners, and the salvation of souls” and governors should act accordingly.²³⁴

Since the seventeenth century priests had had their training in classical rhetoric, and they could thus use it with great effect even if the location was not as theory demanded.²³⁵ How those skills were used was the problem. Accordingly, Nedham wrote of “the ancient *Demagogues*

²³² Nedham, *Certain Considerations*, pp. 10-11.

²³³ Nedham, *Certain Considerations*, p. 11. On Hierom Savanarola [sic] – “(if I well remember the story out of Lipsius)” – can be found in Justus Lipsius, *Monita et exempla politica: Libri duo, qui virtutes et vitia principum spectant*, Amsterdam: 1630, lib. 1, cap. 3, pp. 21-22. The circumstances of the writing in prison may explain both such haphazard quotes, and the otherwise much more accurate ones – surprisingly so, if compared to Nedham’s earlier works.

²³⁴ Nedham, *Certain Considerations*, pp. 10-11.

²³⁵ More on the topic: Brian Vickers, *In defence of rhetoric*, Oxford: 1988; Mack, *Elizabethan Rhetoric*.

of *Athens*, or *popular Orators in Rome*" who could "chain the hearts of the people to their own tongues, and lead them by the nose which way they please, to the accomplishing of any design whatsoever." This "strange power" led to immensely negative outcomes when used by "Pulpit-Politicians," i.e. priests.²³⁶ In good hands, as shown by classical "Counsel" of "Alexander in Curtius," rhetoric was definitely a positive force: the "cure of mutinous and dis-affected Spirits must be a businesse of Time; and is not to be effected by Laws like Thunderbolts, but by the still small voice, the smooth oyle of gentle language, persuasive Admonitions and Declarations."²³⁷ If Nedham was presenting himself as such a persuader, the strategy clearly worked: his next place of employment was with the authorities.²³⁸

The dichotomy between good and bad oratory, between crowd control and corruption, is repeated in Nedham's views about informants, the second topic where Besold was used. Nedham accused "Spies," government's informers, of depriving the people of "the liberty of hearing, speaking, easing and uttering their minds to each other." In such cases, the people would think that "they have lost all and so grow desperate."²³⁹ Informers, "mercenary varlets," were a major cause of "tyranny," since they were "so destructive of civill Conversation, which is the end of Governments, Societies, and Cities."²⁴⁰ Behind Nedham's arguments, seemingly in favour of free expression hindered by informers, lie obviously strong vested interests: he saw that his short imprisonment was caused by such informers as he had earlier espoused. But now they were "secret whisperers, who serve their own ends," thus making Nedham

²³⁶ Nedham, *Certain Considerations*, p. 11.

²³⁷ Nedham, *Certain Considerations*, p. 4. Quote is also verbatim in Clapmar, *De Arcanis*, p. 318.

²³⁸ Although other factors might have had influence: David Norbrook has proposed that "the fact that Nedham was known for a time to have been of different views could be useful for propaganda purposes." In this view, Nedham offered "himself as a model for other writers who can decently change sides under his cover." Norbrook, *Writing the English Republic*, p. 222.

²³⁹ Nedham, *Certain Considerations*, p. 8, preceded by a non-attributed quote from Tacitus' *Agricola*, (2).

²⁴⁰ Nedham, *Certain Considerations*, pp. 12-14.

himself “the unfortunate Subject of many idle Insinuations.”²⁴¹

A similar approach can be seen in Nedham’s change from his earlier views on severely restricted public sphere. Nedham now quoted Suetonius on how “in a Common-wealth or free City, both the opinions and tongues of men ought to be free.”²⁴² Yet as has been shown earlier, this quote by itself proves no inherent right to free speech - rather the question is related to prevention of social unrest, through moderated leeway of venting ill feelings. Such rhetorical redescription is used in relation to “opprobrious Speeches against Government,” as well as “Pasquils and Pamphlets”: rather than calling speech-makers seditious, they should be characterised as “Authors of new Rumours, idle Newsmongers” and so on. Rulers should merely “neglect and scorne,” or mildly reprove such people as they were “unworthy [of] their revenge or notice.” In a Tacitean vein, Nedham argued that showing anger at authors would only “seem to acknowledge what they write.” Prohibitions or punishments have no other effect than to augment the reputation of wits, and magnify their fame as authors. Ignored authors gain no credibility, but banned writings gain a reputation making “them the more sought after.”²⁴³

Despite these revaluations in Nedham’s favour, he did not let the pragmatic approach go as far as to support any liberties universally. Nedham made important caveats in all of his revaluations. The “bitter arrowes” of “licentious railings and revilings” are not approved of as such, any more than the “scurrilous Productions.” And despite Nedham’s anger at the “Eaves-droppers,” he still claimed that a commonwealth needed “Scouts or Informers.” These would spy on “persons disaffected and seditiously inclined,” but should not “intrap or insnare any”: their information was only for the rulers “private information in general.”²⁴⁴

The third topic from Besold is one that binds the aforementioned

²⁴¹ Nedham, *Certain Considerations*, p. 14.

²⁴² A quote already mentioned in connection with Milton’s *Areopagitica*, but here explicitly quoting Suetonius.

²⁴³ Nedham, *Certain Considerations*, pp. 7, 9; Smith, *Literature and Revolution*, p. 33.

²⁴⁴ Nedham, *Certain Considerations*, pp. 7, 9, 13.

ways of pragmatic management together: simulacra.²⁴⁵ For the purposes hoped for this study, we may define simulacra as ways of simulating something which produces aspired results without the costs of the original. As an example, Nedham presents the policies of Augustus and Tiberius in favour of free speech as *inter simulacra libertatis*: they gave liberties in name, in order to take actual liberty away.²⁴⁶ Nedham gives a quote – closely resembling the commonplace Platonist metaphor of the time²⁴⁷ – on the analogy between horsemanship and governing: “prudent States-men [ought] to order a mutinous & seditious People in a *new Republique*, with meekness and moderation; bridling them with Laws, but somewhat loosly; lest by reining them too hard, they hoist themselves out of the *Saddle*.”²⁴⁸ This vision admits rights and liberties only when advantageous.

Although Nedham could readily assimilate such aspects of reason of state thinking into his politics, the connection should not be pushed more than is adequate. The philosophy of interest theory – if it can even be called that²⁴⁹ – was applicable to, but certainly did not govern, Nedham’s writings. It clearly fits well into the pragmatic methods of allowing some measure of free speech, but pragmatism was not the only concern. As demonstrated earlier, Nedham showed little toleration for politically active clergy, and indeed, none of the pragmatic reasoning in favour of free public speech applied to firebrand priests. For Nedham, reason of state clearly had its limits.

Reason of state was (and is) far from a simple phenomenon of politics, and this study will return to it at later stages, but in context of *Certain Considerations* one aspect should still be preliminarily mentioned, that of intellectual consistency. Nedham’s opposition to seditious ser-

²⁴⁵ The fourth and final chapter of Besold’s *Dissertatio* is titled “De Simulacris Imperiorum.”

²⁴⁶ Nedham, *Certain Considerations*, p. 10.

²⁴⁷ Skinner, *Hobbes and republican liberty*, pp. 28-30.

²⁴⁸ Nedham, *Certain Considerations*, p. 4. The quote is attributed to Besold’s *Dissertatio*, although it is actually from Clapmar, *De Arcanis*, lib. VI, pp. 317-18.

²⁴⁹ Noel Malcolm, *Reason of State, Propaganda, and the Thirty Years’ War: An Unknown Translation by Thomas Hobbes*, Oxford 2007.

mons has been seen as one case of such a troubling inconsistency: how could a performed oration such as sermon, be more dangerous than journalist's texts? Similarly, if Nedham's aim was to absolve himself, which would have been a prudent course of action in 1649, the problem of audience remained: the same people who opposed preachers would have not supported Nedham's views otherwise.²⁵⁰

However, these inconsistencies only appear if we assume that the reason of state thinking demands that threats to state are of primary consideration, means of delivery notwithstanding, and that Nedham's only intention with his text was to absolve himself. In the end, the case was neither: evidence clearly suggests that Nedham uses aspects of reason of state thinking, and tries to absolve himself, but at the same time he is holding on to many of his earlier arguments about methods of good governance. 'Principles' might be an unexpected term to use with Nedham, but their existence is a plausible explanation to these seeming inconsistencies.

Shortly after the publication of *Certain Considerations*, Nedham escaped from prison and led the life of a fugitive for a few months.²⁵¹ With the rise of the engagement controversy, Nedham began to make tentative attempts to find a new livelihood in the ranks of the commonwealth writers. By November his petitioning bore fruit, as "favour hath once more turn'd the wheele of my fortune," and Nedham gained back his liberty.²⁵² He turned to his new tasks with gusto, and in May 1650 published *The case of the Common-wealth of England, stated: or, The equity, utility, and necessity of a submission to the present government*.²⁵³ We can plausibly assume that not much of the intent of his book would be lost,

²⁵⁰ Smith, *Literature and Revolution*, pp. 33-34.

²⁵¹ Worden, *Literature and Politics*, pp. 18-19.

²⁵² Letter to Henry Oxinden, Nov. 19, 1649, British Library MS, Add 28002, fol. 172.

²⁵³ Complete title is *The case of the Common-wealth of England, stated: or, The equity, utility, and necessity of a submission to the present government: cleared out of monuments both sacred and civill, against all the scruples and pretences of the opposite parties, viz. royallists, Scots, Presbyterians, Levellers: wherein is discovered severally the vanity of their designs, together with the improbability of their succeesse and inconveniences which must follow (should either of them take effect) to the extreme prejudice of the nation: two parts: with a discourse of the excellencie of a free-state above a kingly-government*, London: 1650.

had he replaced the "Common-wealth of England" in the title with his own name.

In the *Case*, Nedham presented a highly calculating view of republican authority: in crude terms, republican authority had been won in battle, so therefore it was just and should be obeyed. This view of authority, where "*Force and Power is put is [sic] equall Balance with popular Consent in relation to change of Government*" is supported by a barrage of quotations by "*Civilians*" – that is, mainly protestant representatives of political Aristotelianism such as Besold, Henning Arnisaecus, and Hugo Grotius.²⁵⁴

In a similar vein, Nedham presented a view of popular authority based on common consent, where justification came simply through majority rule. Or as the title of chapter 4 of the 1st book stated the idea: "*That a Government erected by a prevailing Part of the People is as valid de Jure, as if it had the ratifying consent of the whole.*"²⁵⁵ Nedham acknowledges the assumption that ideally consent should be "of the Body of the People, or of the major part of their Representatives," but the context of the civil war does not allow for such idealism when "Government is decided by the Sword." In such a case, "what Government so ever it pleases [the conquerors] to erect, the People having lost their Right of election to them, must be as valid *de Jure*, as if it had the Peoples Consent." In the case of the newly-found republican authority, there is no need for the people to "expresse *positive Consent* to justifie a new Government; so a *tacit or implied consent* is sufficient." Nedham's argument for submission to the present authority was essentially an argument for authority per se: "Consent, (as one saith well)²⁵⁶ *is the very dictate of Nature or common Reason, because it is better to have some Justice than none at all*" – things could be worse.²⁵⁷

One worse option would be a royal authority, mainly for the same reasons as for Milton in *The Tenure of Kings and Magistrates*. However, as for the option of popular authority, where Milton largely omitted the

²⁵⁴ Nedham, *Case of the Common-wealth*, p. 23.

²⁵⁵ Nedham, *Case of the Common-wealth*, p. 19.

²⁵⁶ The following part seems to be a quote, but one hitherto unknown to modern editors or to the present author.

²⁵⁷ Nedham, *Case of the Common-wealth*, p. 23.

practical issues involved, Nedham argued bluntly that it would be just as bad. In a lengthy portion of the *Case*, directed against the Levellers, Nedham argued that “a democratic or popular form [of government] that puts the whole multitude into an equal exercise of the supreme authority, under pretense of maintaining liberty, is in the judgment of all statesmen the greatest enemy of liberty.”²⁵⁸ Reasons for that were numerous, but the relevant issue for this study is the question why consensual authority cannot be derived through a popular form of government.

The main problem is, of course, the expected loss of liberty. Relying on the arguments in Tacitus, Sallust, Livy, Aristotle and Besold on how “the People becomes a most pernicious Tyrant,” the subsequent disorder risks bringing monarchical authority back to power.²⁵⁹ Other reasons include more pragmatic ones – disorderly elections if such were to be had – and expectations of both the electors – the people’s representatives will reflect the “choice of the *lowest of the people*,” and that any representative averse to “licentious waies” would always be rejected. Even if virtuous orators could be found, they would not get elected. Finally, problems with the popularly elected representatives – positions of authority will be manned by persons “poor, and unexpert in Affairs, if they are *Busie-bodies*, and have a nimble Faculty of prating, are [then] usually adored by the Vulgar, as the only *States-men*.”²⁶⁰

The problem with such “grand *Demagogues*, or Leaders of the People” would be that authority would become a mere commodity, “So that (as *Plato* and *Plutarch* say), *meer Popularity is no Government, but is as it were a Market, wherein all Offices of Government are exposed to Sale*,” and “He ordinarily gains the best bargain of Authority, that hath the longest Purse, and most powerfull Tongue, to perswade the Clerks of the Market.”²⁶¹ In such a situation authority loses any connection it might have with aspects of objective legitimacy such as law, reason, justice,

²⁵⁸ Nedham, *Case of the Common-wealth*, p. 71.

²⁵⁹ Nedham, *Case of the Common-wealth*, p. 72.

²⁶⁰ Nedham, *Case of the Common-wealth*, pp. 74-5.

²⁶¹ Nedham, *Case of the Common-wealth*, p. 75; “Clerk of the Market,” quoting Polybius, *The Histories*, 6.66.

public interest, or common consent. There is very little incentive to promote participation if the results are such.

Nedham's solution for republican authority in the *Case of the Commonwealth* relies on expertise: "it is use and experience that fits a man for the carriage of Grand Concernments of State." As "*Aristotle* adviseth," it is such men who should be entrusted with "Affaires altogether, they having all those Advantages of Observation, Custom, and Experience, which cannot be expected from a tumultuary Succession, of raw and unexpert *Statists*."²⁶² A state in a "*Popular Form*," such as ancient Rome, was "underpropp'd by the Wisdome and Authority of the Senate," and in turn "that Famous *Councell*, the *Areopagites*" was underpinning the "Common-wealth of *Athens*." In 1650, the authority was in the Parliament. Nedham's own words sum up this view of republican authority quite succinctly:

How much safer then must it needs be for the People of this Nation, to leave the Succession of *Representatives*, and the Form of a Councell in the future, with the time and manner of their Constitution, and Rules for Election, to be ordered by the wisdom and discretion of Parliament.²⁶³

As can be assumed from such an approach to popular participation, any ideas of freedom of expression were not forthcoming. Obviously, as Nedham was writing from a much more secure standing than earlier, he did not have any more incentives to promote free speech even as a necessary evil. Levellers' favourable views on such liberties were attacked as "not liberty but licentiousness," springing from "strange principles of pretended freedom."²⁶⁴

However, Nedham did stay consistent to his views on freedom of conscience. In the *Case of the Commonwealth*, he presented a defence of religious liberty that can be interpreted as a defence from rhetorical premises. He began with a commonplace of rhetorical theory that "since it is of unavoidable necessity that while the world stands there will be divisions of opinion," then "certainly such a course must needs

²⁶² Nedham, *Case of the Commonwealth*, pp. 75-6; quote from Aristotle, *Politics*, 7.3.

²⁶³ Nedham, *Case of the Commonwealth*, p. 76.

²⁶⁴ Nedham, *Case of the Commonwealth*, p. 69.

be most rational [a call for *logos*] which shall provide ways of remedy against such inconveniences as may follow them rather than inventions of torture and torment to thwart and stifle them.” Nedham presented a policy alternative to applying excessive force to a mostly harmless thing - an *alloiosis*, with *meiosis* and alliterative amplification. This is “because the understandings of men can no more be compelled, than their wills, to approve what they like not.” The preferred alternative is the way of rhetorical persuasion, instead of commandments, in order to deal non-violently with various divisions of opinion.²⁶⁵

The danger posed to this freedom of conscience came from the usual suspects: Presbyterians and other firebrand priests. Nedham again attacked the notions of church reformation, conscience, and covenant as malicious designs to create factions “for the casting down of our present governors,” after which the instigators could “set up themselves in the seat of authority.”²⁶⁶ Under the cloak of religion lay only power-hungry usurpers, whose factionalist designs would be laid bare by Nedham. Unsurprisingly, he presented his own product as “free from partiality and the least tincture of faction.” Nedham added to his claims of *ethos* by way of *anamnesis*, that is, recalling the “learned men who wrote before,” who would also supply extra credibility to his arguments, as they “were most likely to speak truth as being uninterested in our affairs and unconcerned in the controversy.”²⁶⁷

This *captatio benevolentiae* brings us again to the question of reason of state, which was gaining ground in Nedham’s argumentation, as is evident in his hints at that “more current way of persuasion” of counselling “what will be profitable and convenient,” instead of telling people what ought to be done.²⁶⁸ In the years to come, Nedham’s dealing with this way of persuasion become more and more explicit.

²⁶⁵ Nedham, *Case of the Common-wealth*, p. 91.

²⁶⁶ Nedham, *Case of the Common-wealth*, sig. A4.

²⁶⁷ Nedham, *Case of the Common-wealth*, sigs. A2-A3.

²⁶⁸ Nedham, *Case of the Common-wealth*, sig. A4.

PART III Protectorate 1653 - 1655

6. *Hall and John Streater at odds*

So far the writers under study, despite their differences, have been reasonably united in their distaste for popular measures. For a perspective on how more popular republican institutions were imagined at the time, the time has come to turn to John Streater. Streater was a printer by training, but apparently had no interests in writing political prose before 1653. His first known work, *A glympse of that jewell, judicial, just preserving libertie*, was apparently written during his service with Cromwell's army in Ireland, from where he arrived to London in March of that year.²⁶⁹

As was the case with Milton and Hall, Streater also founded his political theory on natural law, as put in *A glympse*: "All Law and Government originally ariseth from the Law of Nature." Similarly, Streater held also their republican view of liberty, where "government and Law is nothing else but a rational restraint of absolute Libertie."²⁷⁰ Nevertheless, from such foundations Streater ended up with a very different theory of republican government, and accordingly, he did not receive any salary from Cromwell's government. This was due to two strands in his political philosophy: first, from the same premises he drew different conclusions than the republicans on the payroll. Second, in certain cases Streater agreed with the arguments familiar from other works under study, but considered them beneficial rather than dangerous.

²⁶⁹ Biographical information: Adrian Johns, "John Streater," *Oxford DNB*.

²⁷⁰ John Streater, *A glympse of that jewell, judicial, just, preserving libertie*, London: March 1653, pp. 2, 8.

For Streater's views on the law of nature, the main implication was that natural law had to be universal, or "equall" to have meaning. If all persons were equal, they should have equal say in matters, and "hence may be concluded, that no person or persons hath right to Government, or power in giving Laws, but when they stand constituted by vertue of an immediate election, or derivatively."²⁷¹ Starting from commonplace principles that government should be according to reason and equity, Streater drew the conclusion that it could only take place within a system of popular government, as "the right of the People, for the good of the generality, or the greatest number"²⁷² – almost a complete antithesis of other republicans under study.

In a similar move, Streater argued that the rational restraint of absolute liberty applied to those in power as well as to the ruled. In order "to preserve a peoples Rights and Liberties, from such as would make themselves Lords thereof," there was no other way then through "often or annual elections." Whereas for the other republicans elections risked veering away from right reason in favor of populist pandering, Streater offered that possibility as a complementary benefit: "for if the people keep the right of often elections in their hands, it will make such as affect Government desire to be alwayes in the peoples favour." And as others had considered one of the drawbacks of popular governments to have been their proclivity to banish from their midst their best and brightest out of envy, Streater considered such ostracism as a good balancing measure, in helping to ensure that the people "take heed they lend not such persons too much of their favour."²⁷³

At the same time, Streater did acknowledge the danger in some of the criticism against popular commonwealths, but consistently argued that they could be dealt with through institutional rearrangements. To prevent factionalism, Streater argued that "the manner of the choice of Members representative in a Parliament, should be so, as to prevent making of parties."²⁷⁴ Yet unlike many of his contemporaries, Streater

²⁷¹ Streater, *A glympse*, pp. 9-10.

²⁷² Streater, *A glympse*, p. 3.

²⁷³ Streater, *A glympse*, p. 10.

²⁷⁴ Streater, *A glympse*, p. 3.

did not see the dangers of factionalism deriving from popular oratory. In reciting his lessons from Roman history, Streater approved of the practices of those who gave their "Orations to the people, and not minded the Senate." Such orators, circumventing the authority vested in the senate, were to be commended since they "restored the Authority of the people, and minded them that Government was provided for their good, to deliver them from serving the more powerful."²⁷⁵ To Streater, a greater danger than popularism was the "assumed absolute-nesse" by those who held the reins of power.

The methods of keeping those in power in check included institutional arrangements, or "reason of State," such as the constant rotation of the offices of authority.²⁷⁶ As mentioned, popular oratory was another method, but one that relied on a generally well-informed public. That the value of education was almost universally promoted in most political theory has already been mentioned, and Streater was no exception. Streater repeats the argument familiar from Milton, that ignorance benefits the prospective tyrants: "'tis the policy of him that would invade the liberty of a people, to keep them ignorant."²⁷⁷

However, rather than advocating the learning of true reason from classical texts or other confirmed sources of wisdom, Streater encouraged public engagement: "Citizens should converse and confer often of their Liberties, of Government, of Laws, of Peace, of War."²⁷⁸ This notion of active engagement went beyond those hitherto presented. The importance of public speaking, informing and being informed was due to its importance to Streater's idea of the foundations of freedom: "Every one is to understand he is equally interested with any member in respect of the common Libertie."²⁷⁹

²⁷⁵ Streater, *A glympse*, p. 14.

²⁷⁶ Streater, *A glympse*, p. 4.

²⁷⁷ Streater, *A glympse*, p. 5.

²⁷⁸ Streater, *A glympse*, sig. A3r. There is inevitably a self-serving notion here: as learned writers would promote the reading of learned writers, it is in a printer's interest to promote an active 'public sphere.' Nevertheless, had Streater only been interested in his personal prosperity, surely there would have been less dangerous ways of doing so than through political engagement.

²⁷⁹ Streater, *A glympse*, p. 8.

Nevertheless, from Streater's popular republican proposals of reform, only his appeal to an end to the indefinite terms of parliamentarians met with success, as within a month of the publication of his tract Oliver Cromwell dissolved the Rump Parliament. In the aftermath of Oliver Cromwell's dissolution of the Rump Parliament and subsequent power-grab, the earlier differences in degree about republican policies gained a new importance. As we have seen in case of Nedham, the choosing of sides earlier had meant traversing the divide between parliamentary and royalist camps, whereas after April 1653 it was the differences between the republican authors that led to similar antagonisms – as well as rewards and punishments. John Hall chose to defend the dissolution in a series of publications, beginning with *A Letter Written to a Gentleman in the Country* in May 1653. Hall's defense included an array of redescriptions of republican arguments, where he approved, or at least paid lip service to principles whose wholesale application was not feasible at that juncture.

To begin with, Hall agrees with the need for rotation of those in positions of power. In a republic, there is nothing “more *destructive* to it, than the Continuation of many men in the same power, especially unlimited and supreme.” Cromwell's actions were to be lauded for putting a timely stop to this development. However, Hall did not argue that the destructive effects were caused by lack of accountability, which allowed him to skip the question of elections, usually the main method of maintaining accountability. Rather, he attributed the problem to the corruptive effects of long-term office-holding, since then “knowledge of *Faces, Acquaintance, Familiarity*, and those little *intrigues* men will make, though they hate one another, will bring all to Ruine.”²⁸⁰

Similarly, Hall agreed with the anti-monarchist principle of not leaving power in the hands of a single individual, but in the current situation there had to be a state of exception to the rule. In the interests of liberty it had to be acknowledged that “though *multitude of Counsellors* is strength and safety, yet in *distemper'd* and turning States it is weak-

²⁸⁰ [John Hall], *A Letter written to a Gentleman in the Country, touching the Dissolution of the late Parliament and the Reasons thereof*, London: 1653, p. 10.

nesse and *distraction*.”²⁸¹ The metaphors of mental sickness are used to great extent: “the *Liberty* of the *People*” – as in popular or representative government – was “a Sword taken out of a *Mad Mans* hand, till he recover his *senses*.” In comparison, a “*Rationall Man*” would not expect ‘a *Liberty* of choosing a *Representative*’ in such a situation.”²⁸²

However, despite this implicit approval of the system of representative government, Hall’s ideal of it does not follow the idea of strict representation. On the contrary, Hall argues that without any checks to ensure the election of “*men that had constantly been true to the Commonwealth*,” the representation of unsavory elements – “*Malignants*” and the “*Presbyterian Party* (which is meerly a *Jesuit* in a *Genevah* cloak, but somewhat more insupportable)” – has been detrimental to the working of the system as a whole. The result has been unrelenting partisanship, far from the ideal of learned deliberations of the select few: “instead of bringing a select Company of honest Gentlemen to debate together, we should have brought so many Bandogs to have travers’d Factions.”²⁸³

Altogether, Hall’s argument from necessity is backed by clever, if unscrupulous rhetorical redescriptions. Hall asserted that “if you will say that the *Liberty* of the *People* by this meanes is *stifled*,.. it is only *suspended*.”²⁸⁴ Nevertheless, it is notable that Hall did not steer away from republican principles as such, even if he does allow himself a lot of leeway in interpreting them. The political effects of rhetorical redescription can be immense, yet they may also reveal fundamental questions of political theory. In Hall’s words, “it comes to a Question, Whether it be better for us to be in *Slavery* under the name of *Liberty*, or in *Liberty* under the *effects* of *Slavery*.” Was it worth to keep the republic in a state of liberty, even if it meant giving up for the time being the notion of liberty as self-government? For Hall, the answer was a resounding ‘yes.’²⁸⁵

John Streater, however, did not agree with the rationalisation of political engineering. Immediately in April he circulated among army

²⁸¹ Hall, *A Letter*, p. 12.

²⁸² Hall, *A Letter*, pp. 15–16.

²⁸³ Hall, *A Letter*, pp. 10–11.

²⁸⁴ Hall, *A Letter*, pp. 15–16.

²⁸⁵ Hall, *A Letter*, p. 15.

officers a manuscript of “Ten queries,” asking them, e.g., “Wether or noe is the giuing of the supreame power into the hands of fiae, or six more, such a thing as the gouernment of a Co~monwealth, when the Co~monwealth is excluded from the liberty of making a choyce of persons to gouerne?”²⁸⁶ His continued dissent took a published form in a newsbook called *The Grand Politick Informer*. Unfortunately, most of the issues of are no longer extant due to its heavy suppression by the governing authorities. The only remaining issue, fourth or fifth, was dated to late October, by which time Streater had already been apprehended and sentenced to prison for publishing seditious pamphlets.²⁸⁷

Streater’s awareness of the risks involved was evident in his attempts at clearing himself from accusations of factionalism: “we would entreat thee not to censure the Politick Informer, for inclining to either one faction or another.” Streater’s approach was the classical evoking of ethos, of assurance that his “principles are right,” and how “it is not the work of one that undertaketh polittick observations to incline any way, but onely to discover the reasons of state, the proper tendencie, the end and aim.” True to the arts of rhetoric, Streater’s anamnesis, recalling Livy and Tacitus, evokes the tradition of how one should “unmask and unrobe the state of things, to declare the truth.”²⁸⁸

Nevertheless, as we have seen in earlier cases of such *captatio benevolentiae* by the professedly uninterested, coolly analytical reporter of affairs, Streater did not abstain from asserting his own views and prin-

²⁸⁶ [John Streater], *Ten queries: by a friend of ye now dissolved Parliament*. MS, Thomason tracts, E693(5), placed between tracts dated 25 and 26 April, fols. 3-4. Published also in John Streater, *Secret reasons of state in reference to the affairs of these nations, at the interruption of this present Parliament: anno 1653. discovered. Also, the power of parliaments, touching imprisonment, debated. With other matters worthy of observation, in Jo: Streater’s case: this being a narrative of his two years troubles at the beginning of the late monarchie, erected by General Cromwel*, London: 1659, pp. 5-6.

²⁸⁷ [John Streater], *A further continuance of the grand politick informer, discovering the wickednesse and mysteries of the present state iniquities on foot about the 14 of September 1653*, London: 1653, pp. 37-43; Joad Raymond, “John Streater and *The Grand Politick Informer*,” *The Historical Journal*, 41(2), 1998, pp. 568-572.

²⁸⁸ Streater, *A further continuance*, p. 42; Raymond, “John Streater,” p. 573, points out well the dilemma of dissent in Streater’s strained attempts not to seem an anti-commonwealthsman.

ciples. Streater's "true and just government of a Common wealth," is made of "a people representative, annually elected," and where "no one ought to usurp supream power" – after which Streater accuses the "corrupt persons, that have now Usurped and assumed the Supream power to the great detriment of the people of *England*." Such views were bound to grate on the authorities.²⁸⁹

Interestingly, at this point Streater made no claims to a right to dissent. Since he did handle the topic in later writings, we may assume that he was aware of the idea of free speech, but omitted it for some reason in *A further continuance*. One possible reason is that he considered the present rule as a state of tyranny, where any freedoms granted would be meaningless: even an "antient Liberty" like petitioning, when "the people may account it a favour" becomes void of content when it is received arbitrarily. In addition, when referring to the banning of public meetings "under a pretence of preventing of carrying on of plots," Streater argued that such a "design of preventing meeting" was familiar to tyrants throughout history, since when people "know not one anothers minde, they cannot so readily put in execution any thing that may be hurtfull to the Tyranny."²⁹⁰ By extension this argument could easily apply to free speech as well.

John Hall responded to the arguments of *Grand Politick Informer* with a tract called *A Stop to the Mad Multitude*.²⁹¹ If Streater had abstained

²⁸⁹ Streater, *A further continuance*, p. 42.

²⁹⁰ Streater, *A further continuance*, p. 40.

²⁹¹ [John Hall of Durham], *A Stop to the mad Multitude, Or A Seasonable Antidote Against a dangerous Cup of Poyson, Presented in a late Scandalous Pamphlet, Entituled The Grand Politique Informer. Wherein is laid open the Hellish Plots, Designs, and Machinations, which, under the Pretence of Liberty, are now carried on for the subversion of Religion, and disturbance of the Peace of this Common-wealth. By a true Lover of his Countrey*, London: 1653. There is no dating marked in the Thomason tracts, there is reason to believe it came out before late October: on p. 9 of Hall's *Sedition scourg'd, or A view of that rascally & venomous paper, entituled, A charge of high-treason exhibited against Oliver Cromwel, Esq; for several treasons by him committed*, reference was made to "the reason of delivering a Parchment sealed, there hath been so much said of the matter, in the *Grand Politique Informer better Informed*, pp. 10, 11. that it is needless to transcribe any thing hither." There is no extant book with such a title, but pages 10-11 of *A Stop to the Mad Multitude* do correspond to the topic referred to in *Sedition Scourg'd*, which is

from declaring his explicit commitment to free speech, Hall set his views out in the open from the very beginning of his tract: "Of all the many evils which this untoward Age is guilty of, I find none greater, nor more dangerous, than the idle and wanton liberty of the Press." Obviously, the qualification "idle and wanton" designates a licentious type of liberty, which by definition would not be true liberty. Hall recited the arguments familiar from Nedham, that in an unrestricted state "uncontrolled faction and sedition have obtained so great a reputation, that whosoever is a friend to Authority, doth run an apparent hazard of being characterized for one who is an enemy to the Publique."

Hall shared the contempt authors like Milton had for "shallow apprehensions," "wild fancies" and "impudence" etc. of writers with diverging views on politics. Yet unlike Milton, Hall advocated a retreat to the "private sphere." Hall's efforts are nevertheless somewhat unconvincing, given that at the same time he was "engaged to endeavour at least to set a stop to the easily deluded multitude."²⁹² Nevertheless, throughout his tract Hall consistently abstained from making any explicit arguments on the merit of free speech as such. There is no reference to *concordia discors*, supporting tolerance due to skepticism, or preventing social unrest through 'venting of ill spirits.' On the contrary, Hall explicitly denigrated freedom of speech as demagoguery: "freedom to revile, reproach, scandalize, rail, cast all manner of ignominy upon Magistrates," and as "stirring up [of] the people to mutiny, faction, sedition, rebellion."²⁹³

The opinion Hall had of demagogues was (and arguable still is) fairly uncontroversial.

Tis the high-way, the beaten path of Politicians, and aspiring spirits, to encrease an opinion of themselves, by lessning the reputation of others, and to make themselves appear the more beautiful, by throwing dirt in those faces which are better than their own.

dated to October 20th. It is not known whether the title of Streater's pamphlets was at some point spelled *Politique*, or whether that spelling was Hall's own choice.

²⁹² Hall, *A Stop to the mad Multitude*, p. 2.

²⁹³ Hall, *A Stop to the mad Multitude*, p. 25.

For Hall, such demagogues aimed to “flatter the credulous Multitude.” This critique was obviously a republican commonplace, but Hall saw this as specifically problematic due to the demagogues’ aim of flattering the multitude “out of their due obedience.”²⁹⁴ If, “by these their whining dissimulations, they might tempt the ignorant multitude in foolish Compassion to flock unto them,” there was little chance to erect the “new model of Law, plain, easie, and obvious to the meanest capacity, at this time framing, and fashioning upon the wheels of prudent consultation, and mature deliberation.”²⁹⁵

Hall presented his own work as a text in line with prudent, mature demonstration aiming at common good, thus undemagogic and therefore permissible. His claim to the reader was to have presented “a bare relation of the naked truth, not clothed with the least amplifications of Rhetorick, nor circumstantiated with any malicious Aggravations of my own.”²⁹⁶ If taken at face value and out of context, it is understandable that such lines have given rise to the view of seventeenth century republican political philosophy as aiming at higher truths, being anti-rhetorical and disinterested in partisan advantage. And as in the previous cases, Hall did nothing of the sort. *A Stop to the Mad Multitude* is filled with rhetoric and blatantly partisan. As for its political philosophy, the tract does show Hall’s engagement in attempting to counter the challenge of Streater: how to build an argument for legitimate republican authority, that would not require consent as its basis.

Hall set “the Representative of the people” against democracy – contrary to the “Vulgar Error,” of a traditional view that saw them as “convertible.” He conceded that in a “true Democracy,” where “every man whatsoever” had “a free vote and suffrage” in choosing the gov-

²⁹⁴ Hall, *A Stop to the mad Multitude*, p. 7. For one example of such a demagogue, see Hall’s views on John Lilburne: “he had disguised his Hellish Intentions under the fair and plausible (but most deceitfull) pretences of the peoples Liberty, Publique Good, and the like”; “all his speeches [grew] openly factious and seditious, and lest he should not be able to do mischief abough with his clamorous tongue, he betakes himself to the Press, as an Engine fit to convey his poisonous principles throughout the whole nation,” pp. 26-27.

²⁹⁵ Hall, *A Stop to the mad Multitude*, pp. 9, 17.

²⁹⁶ Hall, *A Stop to the mad Multitude*, p. 28.

ernment, whose members could be altered “according to the will and pleasure of the people,” and - most importantly - where “nothing must be done without the joint and mutual consent of all,” authority would ipso facto be legitimate. None of these things held true in the representative system in force in England, where less than one percent of the population could vote in elections, the representatives sat indefinitely, and where “the Majority of voices is sufficient” for elections and legislation.

Hall asserted that although he seemed “to give the Praecedency to Democracy,” he did not want to “derogate from the honour of our old Parliamentary Government.” Because of practical reasons, true democracy was impossible in “so great and populous place as *England*,” even if it was and had been feasible in ancient Greek city-states or “many free Cities, and Cantons at this day, which do still conserve their Liberty by a Democracy.” Representative government did not have the inherent legitimacy of a democracy, since democracy was not “established upon power.” According to Hall, representative government was: “What reason is there, that ninety nine should be forced to take Lawes from an hundred? Is it not from this presumption, that an hundred is like to beat ninety nine?” Majority government relied on force, therefore in principle it could not be any more legitimate an authority than (conveniently enough) rule by a beneficial ‘Lord Protector,’ such as Oliver Cromwell.²⁹⁷

What then were to be the theoretical sources of authority, if democracy was impossible and parliamentary government had been found wanting? There were two directions to take, first one involving more popular measures, such as voting. This Hall found utterly abominable: “if Prerogative be once prostituted to the licentious liberty of the giddy Multitude, it will be an hard matter to restore Authority to its due Majesty, and to recall the People to their wonted Obedience, and sobriety.” Outside true democracy, popular measures would only lead to licence. A better option was to rely on the “choice experienced heads,” who would utilise “that excellent way of judging according to right reason.”

²⁹⁷ Hall, *A Stop to the mad Multitude*, pp. 18-19.

If governors were “to be forestalled with popular opinion, an Error will soon gain as good a reputation.. as the greatest, and most Demonstrative truth.”²⁹⁸ The role of the governors was to do what was right for the common good, not what was popular. Neither self-government nor free speech was a necessary requirement to achieve that goal.

Hall continued his diatribes against unwanted and unwarranted public speech in *Sedition Scourg'd*, dated October 20, 1653.²⁹⁹ As in *A Stop to the Mad Multitude*, Hall began by lamenting the effects of unrestricted printing. As such, “The Invention of *Printing* was doubtlesse at the first one of the most laudable and profitable discoveries that could have been made by man.” However, “so unlucky hath it been, that since the mystery of it grew common, and the permission in a manner general, it hath been a pestilent *Midwife* to these accursed brats, *Error* in the *Church*, and *Sedition* in the *State*.” Hall did not see these widely acknowledged problems as unavoidable, but mitigable evils. Instead, he argued that printing had not been correctly appreciated by the authorities: “the Governours themselves” were not “wholly blameless for such inconveniences.” For Hall, the action of printing texts was not dissimilar to that of printing money. If seigniorage was widely accepted to be something that had to be controlled by the authorities, so should printing.³⁰⁰

Such building of more detailed analogies in support of his earlier views on public speech was also evident in Hall's view of the roots of republican government. Again Hall conceded that “the people be the primary *cause* of *Government*, and the *End* thereof, and may by their consent, or disapprobation, either ratify or vacate any form therof.” Nevertheless, this is a just the preliminary to a concessio, as Hall continued to assert how “for the *administration* and *execution* of *Government*, its a thing

²⁹⁸ Hall, *A Stop to the mad Multitude*, pp. 24, 30.

²⁹⁹ [John Hall], *Sedition scourg'd, or A view of that rascally & venomous paper, intituled, A charge of high-treason exhibited against Oliver Cromwel, Esq; for several treasons by him committed*, London: 1653, against a libel dated 14th of August: Anon, *A charge of high treason exhibited against Oliver Cromwell Esq; for several treasons by him committed*, London: s.n., 1653.

³⁰⁰ Hall, *Sedition scourg'd*, pp. 1-2.

the practice wherof is not feasible by the people and the effects of it, if it were endeavor'd would be *monstrous* beyond all imagination." The same point was made in an overtly rhetorical fashion when Hall considered the proverb *Salus Populi Suprema Lex*: "to continue on the *Metaphor*, tis the *Physician*, that is to say, *The Wise man* in *power*, that must be the *Judge*, not the *patient*, that is to say, the *Multitude*, in *danger*." There is no question whether ends justify the means for Hall: "if the people be the *end* of Government, that which most aimes at the *good* of the people, comes the nearest that end."³⁰¹

Nevertheless, Hall's professed concern for the welfare of the people should not be confused with a trade-off between freedom and security. That is simply not how the issue was argued. For Hall and the other republicans could all agree that liberty was neither unregulated licence nor all-providing absolutism. What they disagreed about was the optimal position between the two extremes, and what institutional mechanisms were involved. Thus Hall could criticise Streater, "the Grand Politique Informer himself" on his views on representative government, not because they were in disagreement over the merits of having a parliament, but because they did not agree about the circumstances of checking its power. Hall was accurate about Streater in his judgement that it was "not the dissolving of the late Parliament that sticks in their stomachs, for that they are satisfied well enough with." Rather, they were "unsatisfied because the Nation is not turn'd wild into an irregular and dangerous Liberty, and consequently permitted either to return into new quarrels, or reduc'd under its former Tyranny." As we shall see, the question whether to permit the people "to a choice of their own Governours," did not find easy answers in popular, aristocratic or any other sort of republican strands of thought.³⁰²

Hall's next work under study, *Confusion confounded*,³⁰³ is dated to January 1654. In it, Hall delved deeper into the questions of what he saw

³⁰¹ Hall, *Sedition scourg'd*, p. 4.

³⁰² Hall, *Sedition scourg'd*, p. 8.

³⁰³ [John Hall], *Confusion confounded: or, A firm way of settlement settled and confirmed: Wherein is considered the reasons of the resignation of the late Parliament, and the establishment of a Lord Protector*, London: 1654.

as the foundations of the welfare of the people – government as guided by right reason and natural laws. In a way, this strand of argumentation, when used against both popular government and public speech, was more potent than the more pragmatic arguments. As a question of expediency or utility, the need for free speech or self-government could be accepted in principle, if not in every situation. However, if reasons based on the nature of society, human nature or deductive reasoning could be found to make free speech or self-government irrelevant, it would also remove any grounds for the pragmatic argument of ‘necessary evil.’

Hall asserted that the main fault of the previous Parliament had been “*Division*, which is the murtheress of Councils,” and “the main pretence was Religion.” Besides the immediate dangers of factionalism and radicalisation of the political process, Hall saw further disturbing elements in the process that allowed for diminished capabilities for reasoned government. Starting from the mental capacities of the ex-Parliamentarians, whose religious notions, “proceeding from ill made brains, and disturbed fancies, strongly tinctured with an hypocondriack melancholy,” Hall continued to question the usefulness of the resulting thoughts. Since they were “not bringing any assurance out of the word, or any other sign that they proceed from the Spirit of light,” it was clear to postulate that “if they become once Magisterial, [they] oblige us to quit our *Discourse*.” This would mean giving up “our natural reason, our *experiences* drawn even from common sense, the means God hath ordained to direct us in civil matters,” in favour of “those *Wills-with-Wisps*, or *ignes fatui* of revelation and pretended *Spirit*.”³⁰⁴

This metaphor of ‘ignes fatui’ has similarities with Hobbes’ argument in *Leviathan* ch. V (Of Reason and Science): “metaphors, and senseless and ambiguous words are like ignes fatui; and reasoning upon them is wandering amongst innumerable absurdities; and their end, contention and sedition, or contempt.”³⁰⁵ While Hall’s use of the metaphor did obviously not attribute a similar role to rhetorical speech, but to pretended religious discourse, the aim was similar: government by

³⁰⁴ Hall, *Confusion Confounded*, p. 3.

³⁰⁵ Hobbes, *Leviathan*, p. 22.

right reason, void of contention and sedition.³⁰⁶ The Hobbesian allusions are even more pronounced, when after Hall had referred to the Stoic view “as was said of old, that man was *naturally* sociable,” he continued: “or as a learned *Modern* hath said, that he is *compelled* into *Society* meetly for the advantages and necessities of life.” Hall presented both of these points leading to the same conclusion, that men rely on being protected “by law, which is but the regulation of the force of a Country.” Otherwise “there shall be nothing but warr and confusion in that place,” in “the state of Nature.”³⁰⁷

Hall continued to assign the main role in his theory of government to the rule of law, whereby laws are the representation of right reason and nature, against the notion of government through discourse, deliberation and compromised interests. On deliberation, the emphasis was laid on the inevitable discord in its very nature: “as it happens in all civil debate, that sly and ambitious factions discover not the main at first, but endeavour to creep in by insinuations and plausible pretences.”³⁰⁸ On the role of law, Hall gave praise to how “The Common Law is *recta ratio*, in the determination of *justum* between parties, holy and inviolable as the Laws of Nature and Reason.” Although it might seem that Hall did not appreciate the differences between natural and positive law due to his conflation of the two, his point is actually more subtle than that. What Hall argued was that though common law was “running in a municipal channel,” it was “yet as old and venerable as reason itself.”³⁰⁹

Nonetheless, Hall recognised that common and natural law, despite being the foundation of a society, could not be relied to supply answers to every contingency. The “wickedness of humane nature is too subtil,” and “the weakness, or incapacity of men” such “that they can provide no Law against all emergences and contingences.” Therefore, it was only mitigation of “the rigour of the positive Law,” that “may relieve the subject” (note: subject, not a citizen). Unless the courts of law would

³⁰⁶ For more on Hall’s possible connections with Hobbes’ works, cf. Peacey, “Nibbling at Leviathan.”

³⁰⁷ Hall, *Confusion Confounded*, p. 9 [incorrect pagination, sig. Cv].

³⁰⁸ Hall, *Confusion Confounded*, p. 10 [sig. C2r].

³⁰⁹ Hall, *Confusion Confounded*, p. 13 [sig. C3v].

apply such mitigation, “making a general Law” would be necessary, with the end result that “Laws would become innumerable.”³¹⁰ There is neither room nor need in Hall’s commonwealth for public debate or decisions on what those laws might be or who would mitigate them. If any cases of publicly airing grievances could be fathomed, they would be presumably be dealt with by courts of law rather than in those of public opinion.

In an ironic twist, Hall’s own career of promoting an end to useless public debate came to an abrupt end in the spring of 1654. The payment of his salary had become unreliably irregular, and lacking official commissions, he returned to making translations. It has been speculated that he fell out of favour,³¹¹ or the financial troubles of the Protectorate led to his redundancy.³¹² For both of these reasons there is a common denominator: the possibility that the policy he had advocated, the suppressions of licentious texts, was deemed succesful enough that his services were not considered worthwhile anymore. In practice neither the suppression nor the discontinuation of official propaganda was total, and there remained enough printed material in circulation to justify various counter-attacks by the writers under study. Nevertheless, there were several occasions where the need for official propaganda was not overwhelming enough to guarantee regularity of commissions.

It is important to bear in mind that the eagerness to engage in the battle of ideas was shared by most republicans in deed, if not always in words. Whether their motives for doing so were more principled or pecuniary may never be known, but what is certain is that their lives were made financially more secure by the demand for propaganda. In Hall’s case, as most of his later tracts were written against texts that were to be suppressed, it meant that those texts were being extensively reproduced in print. This can hardly have been a good incentive for keeping him on the payroll – if one could try and stop the action, why pay for reaction?

³¹⁰ Hall, *Confusion Confounded*, pp. 13-14 [sigs. C3v-C4r].

³¹¹ Peacey, “Nibbling at Leviathan,” p. 244.

³¹² Cf. also Joad Raymond, “John Hall’s *A Method of History: A Book Lost and Found* (with transcription),” *English Literary Renaissance* 28(2), 1998.

7. *Streater's Observations*

John Streater was released from prison in February 1654, and quickly returned to his vocation.³¹³ It is not certain whether he was the editor of the newsbook *Mercurius Aulicus*, of which three issues came out between 20 March and 3 April. At face value, the newsbooks do not follow Streater's earlier animus against Cromwell. On the other hand, there is a clear sense of irony in naming a newsbook that praises Cromwell after an earlier Royalist newsbook from the mid-1640s. It is also difficult to escape a heavy sense of sarcasm in the contents of the newsbooks.³¹⁴ Nevertheless, making too many inverted assumptions about the real intents of the newsbook could lead to weak interpretations. In any case, there is no uncertainty and little irony in the newsbook Streater began to publish from April onwards, titled *Observations, Historical, Political, and Philosophical, Upon Aristotles first Book of Government: Together, With a Narrative of State-Affaires in England, Scotland, and Ireland: As also from other Parts beyond the Seas*.

Before examining the *Observations*, there is a case for grappling with the question of whether Streater's punishment affected his writings. The evidence is far from clear: on the one hand, his writings before and after his prison sentence have much the same intentions, many of them use classical allusions extensively, and usually put forward the *captatio benevolentiae* of the disinterested observer. Even in the scholarship arguing for Streater's compromises with political politeness in his *Observations*, there is an acknowledgement of the presence of such compromises in Streater's *Grand Politick Informer*.³¹⁵ It is a paradox of early modern writing that the authors who highlight the risk of censorship

³¹³ Raymond, "John Streater," p. 570.

³¹⁴ Adrian Johns, *The nature of the book: print and knowledge in the making*, Chicago: 1998, p. 278n27; George Watson (ed.), *The New Cambridge Bibliography of English Literature, Vol. I, 600-1660*, Cambridge: 1974, p. 2109.

³¹⁵ Raymond, "John Streater," pp. 573-4.

in creating slavish fustian, nevertheless defy the censors, thus contradicting their own assertions. Undoubtedly the existence of censorship should not be discounted, yet neither should it be exaggerated.³¹⁶ Perhaps we should approach the Tacitean critique of self-censorship not so much as a causal relationship of sociology, rather than seeing it more as a precautionary political principle – after all, some authors do return to the fray, without bending the supple knee.

Streater's *Observations* is a case in point. On the very first page Streater's *captatio benevolentiae* asserts how "it shall not be my Work to divide, distract, or disturb." We can already assume that such an assertion is more needed in a situation of enforced censorship than otherwise, and the acknowledgement of censorship is explicitly addressed in Streater "presuming that the present Authority will not suppress or prevent this Work of publike view, being confident they affect Honour and Justice." Of course, Streater's work could have easily been (and was) interpreted as aiming to divide, distract or disturb its readers, but Streater claims that by such criteria authors like "Machivel, Suetonius, Tacitus, Polibius, Plutarch and Bodin" ought not to be published to common view either.³¹⁷ Rather than submitting to the requirements of censorship Streater argued for latitude in interpreting them.

For heuristic purposes, Streater's political philosophy in the *Observations* can be described as dualistic, with binary oppositions of good and bad principles, actions and policies. Many of the pairings are staples of republican political theory: there is liberty and slavery, tyranny and self-government, flattery and oratory, and so forth. Streater managed to connect the good and bad aspects respectively into a virtuous and vicious cycle. There are a few nuances to this otherwise somewhat Manichean worldview. However, in the interest of easier presentation

³¹⁶ See e.g. Annabel Patterson, *Censorship and interpretation: the conditions of writing and reading in early modern England*, Madison: 1984, and its critique in Blair Worden, "Literature and political censorship in early modern England," in *Too mighty to be free: censorship and the press in Britain and the Netherlands*, eds. A.C. Duke, C. A. Tamse, Zuthpen: 1987.

³¹⁷ [John Streater], *Observations, Historical, Political, and Philosophical, Upon Aristotles first Book of Government*, no. 1, 4-11 April, London: 1654, pp. 1-2.

of Streater's political thought, the binary oppositions will be dealt with first, followed by the problems remaining from (and to an extent, caused by) the dualism of the whole.

The foundation and reference point for Streater's theories lay in "the Law of Nature, the which is the intent of the Body of this Work." He abstained from fuller elaborations on his understanding of 'nature' in the law of nature, merely inserting a long quote from Nathaniel Culverwell's work on the topic. Nonetheless, for the purposes of this study the relevant result from Streater's understanding of the law of nature is its effect on the nature of government: "it is agreeable to the Law of Nature, which received its being from the eternal Law, which maketh sweet harmony upon often touching on this string (*Do as you would be done unto*) be contented to be governed as well as to govern."³¹⁸ The law of nature resulted in republican self-government. Or, as Streater put it on the next page, when referring with approval to "the *Basis* of the Government of the State of *Lacedemon*," that "all should be free, that all should be able to govern."³¹⁹

The argument of the naturalness of republican government was further advanced by Streater's elaboration of the nature of law in the final issues of *Observations*, when he considered that "now it would be expedient to shew what is Law, and what is not Law." As befits the republican nature of law, Streater does not see law as a hindrance against freedom but as an enabler of liberty. Man is not dominated when he is "limited and bounded by Reason and Laws." However, unlike for Hall or Milton, for Streater these limits have to be fully consensual rather than discovered: "*That is Law which a People, Nation, City, or Commonwealth do entirely and unanimously consent unto; not being forced or over-awed to consent thereto.*" When making the same point from the negative perspective Streater put extra emphasis on the lack of domination, but also opened

³¹⁸ Streater, *Observations*, 1, p. 3. Streater's quote on the 'origin of being' and 'the origin of motion and rest' can be found in Nathaniel Culverwell, *An Elegant and Learned Discourse of the Light of Nature* [1652], Robert A. Greene, Hugh MacCallum (eds.), Indianapolis: 2001, pp. 26-27.

³¹⁹ Streater, *Observations*, 1, p. 4.

the 'unanimous consent' to cover representative institutions:³²⁰ "That is not Law, that is imposed upon a people, when neither they, nor those deputed by their lawful election, have given their consent thereunto, without being awed to such consent, or invited be expecting reward, or fearing displeasure if not consenting."³²¹

In the last issue of *Observations*, Streater continued to make further distinctions on the question of free consent to laws, i.e. what is the nature of a free person, what are the "distinctions between freemen and slaves." For laws to be valid, they have to be given by people who can freely consent: "The freeman is not, nor ought to be subject to any Law, but that, unto which he hath consented to be conformable to, not being awed or forced thereto." Alternatively, "the slave is to be subject to the will of his Lord: the reasons of state of a Tyrant are but his will," i.e. they were not rightly called laws.³²² As can be seen, for Streater legitimate authority was derived from a conception of consent, which depended on extreme sensitivity to any use of force or influence, however benign it might be.

These caveats applied to political decision-making as well as individual electoral choices. This is still a republican form of liberty, but one taken to its individualistic extreme. As such, it would seem to be in contradiction with a view of republican polity as one of politically active, virtuous citizens in pursuit of the honour gained from *vita activa*.³²³ Nevertheless, such views – while perhaps relevant in understanding classical Roman or renaissance Italian ideals of citizenship – are not as useful in explaining seventeenth century English republicanism.

³²⁰ Representation was touched explicitly in issue no. 7, where Streater asserted how everyone should be consulted about "the good of Societie," and "if the body be too large to meet in Council together," then "all free people ought to be in [Council] by their Representatives." Streater, *Observations*, 7, p. 52.

³²¹ Streater, *Observations*, 10, 20 – 27 June, pp. 75-76.

³²² Streater, *Observations*, 11, 27 June – 4 July, pp. 83.

³²³ This ideal of positive participation is familiar to us from works of e.g. Hannah Arendt and John Pocock: Hannah Arendt, *The Human Condition*, Chicago: 1998; J.G.A. Pocock, *The Machiavellian Moment. Florentine Political Thought and the Atlantic Republican Tradition*, Princeton: 1975, and Pocock, "Foundations and Moments," Cambridge: 2006, pp. 43-46.

Streater belongs to a strand of republicanism for which the argument for voting relied more on avoidance of being under the will of others, than on any inherent virtue of participation.

Another important aspect – already touched upon as being ‘agreeable to the Law of Nature’ – was the rotation of government, i.e. no one should be elected to power indefinitely, but “He is a Governor of a Commonwealth that commandeth and obeyeth by turns.”³²⁴ What Streater presented as “the best way to preserve Society and Government in its purity,” was “to change those that govern, often.” Streater continued this point with a general description of the nature of good government, appealing to the authority of “*Hermes Trismegistus*,”³²⁵ who “calleth Man *A Great Miracle*.” In taking account of the aforementioned topics, the description is quite concise:

Man is indued with a divine Understanding, to observe the order of the Celestial bodies, and to rule and govern the Terrestrial; in which every man, according to nature, should have a share; the which may be said to be, when those that govern are deputed or elected by the people, and when they continue limited by time how long to continue, and by Laws how to rule.³²⁶

Streater had no time for arguments about the ‘mad multitude,’ since for him “the people onely are the best affecters, and the best affecters of publique good.”³²⁷ However, Streater’s popular allegiance should not be exaggerated either. It is quite plausible to argue that to a large extent every form of representative democracy aims at some manner of elite rule, and in seventeenth century context this was certainly the case.³²⁸ Streater was possibly the most popularly minded republican of the period, yet when he presented the various forms of government “with all

³²⁴ Streater, *Observations*, 2, April 4 – 19, p. 9.

³²⁵ The most likely source for this quote is John Everard’s translation of the Corpus Hermeticum, *The Divine Pymander in XVII books*, London: 1650.

³²⁶ Streater, *Observations*, 10, p. 73. Streater’s immediate addition to this part has an interesting note of Stoic sociableness: “Man is partaker of Reason, by means whereof, men are associated each to other.”

³²⁷ Streater, *Observations*, 9, June 13 – 20, p. 67.

³²⁸ Bernard Manin, *The Principles of Representative Government*, Cambridge: 1997.

their Reasons of State,” even to him a “*Democratical Government*” was defined as government “by the better sort of the people, without respect of Nobility or Riches at their constituting.”³²⁹ The difference, as shown above, was that these “better sort” had limited terms in office and were directly elected.

Despite the favourable description Streater was giving of popular rule, his political thinking was influenced as much by anti-tyranny as pro-democracy. For example, the commonplace argument in favour of political decision-making in senates, parliaments or other leading councils involving more than one person, had been that in a multitude of counsellors there is strength. Streater, however, put the emphasis on security from tyranny, since “a small Council is easier wrought to the will of a Tyrant then a great Council.”³³⁰ The foundation for anti-tyranny lay again in “the Law of Nature, which intendeth nothing but harmony, sweetness, and mildness,” and was thus diametrically opposed to being in “servitude of a domineering, usurping, insulting, mad Tyrant.” It seems that Streater was fully aware of the risk of equivocation on words like ‘tyranny,’ since he immediately added that “he that ruleth by Force is little better.”³³¹ The telltale sign of trouble was in grounding authority in power, whereas quibbling on words would be beside the point.

In *Observations*, Streater had little time for arguments from necessity. “Those that rule by force,” despite any protestations to the contrary, were quite simply “mad; they have lost the Reason of true and just Policie.” Because of (and it seems, despite) this loss of mental faculties, those who ruled by force aimed to “repair to Force, to affright, astonish, and amaze people, thereby to awe them to obedience.”³³² However, for Streater such displays of power could not hide the true nature of things: “Those that make use of Force to keep the World in slavery are

³²⁹ Streater, *Observations*, 1, pp. 4, 6.

³³⁰ John Streater, “A politick commentary on the life of Caius Julius Caesar,” Ch. 3, in *Perfect and impartial intelligence*, London: 16 May – 2 June 1654, p. 21.

³³¹ Streater, *Observations*, 11, p. 85. The connection to Hobbes is not explicit, but plausible.

³³² Streater, *Observations*, 11, p. 85.

but slaves themselves,”³³³ – that is, slaves to their own passions, having given up on reason. And ultimately, the attempts to force or to awe people into believing otherwise would also fail, since “when a people dare do no other then flatter and lye, they will flatter and lye, and call them vertuous and noble Princes, which they know in their hearts to be no other then Tyrants, and Enemies to their Country.”³³⁴ Accordingly, for tyrants, there was definitely an incentive not to allow free speech.

Streater gave examples of such tyrants, like “Simple *Caligula*,” who “made Laws to make it treason to say he did otherwise than govern well, or that he committed treason.”³³⁵ Many of those in power who had failed to govern well, had “thought to secure themselves by making Laws, that it shall be Treason or some other high crime, to say that they have done, or that they do that which is not just.” Some of the arguments Streater gave against such censorship are already familiar, e.g. the pragmatic Tacitean argument how “that which a people are forbid, they desire most.” Accordingly, “those that are limited in their words, are the more unlimited in their thoughts, they being deprived of speaking, take the greater liberty of thinking” – i.e. censorship cannot guarantee the repression of dissent as such, but may even encourage it. And in shooting the messengers, censorship restricts the chances of knowing about causes of dissent. Indeed, Streater suggests that if the efforts put to repressing dissent were allocated to taking away the cause “the effect would have ceased.”³³⁶

However, in tyrannies this was not going to take place. For one reason, tyrants and their sycophants were more willing to engage in rhetorical redescription of dissent than tackle the complaints. If any of “the people complain of such practices, as oppressive, immediately they have been taken to be disturbers, factions, seditious and traitorous persons.”³³⁷ Ultimately, because the “Tyrants cannot indure to be told of their Tyrannie; or to have it said of them that they be Tyrants,

³³³ Streater, *Observations*, 1, p. 4.

³³⁴ Streater, *Observations*, 8, p. 62 (incorrectly paginated p. 58).

³³⁵ Streater, *Observations*, 7, May 30 – June 6, p. 51.

³³⁶ Streater, *Observations*, 8, p. 60.

³³⁷ Streater, *Observations*, 8, p. 61 (incorrectly paginated p. 57).

and Vsurpers, therefore they debar a man of that noble priviledge of Liberty of speech, yea of the truth." There are some nuances to the unyielding view Streater presented here, which will be discussed later. At this stage, the general approach is said to be that "The Tyrant.. Chaineth up the mouth of man, depriveth him of that which is his right by nature, as *Aristotle* here saith, he hath speech given him to dignifie what is just, and what is unjust."³³⁸

Streater's arguments in favour of free speech rely heavily on the language of natural law. He argued that free speech was "natural for all men," as "Man is a rational Creature, and hath power and is able to judge truly, and aright of all causes and things."³³⁹ Accordingly, it was "Law of nature which ordained speech," the liberty of which "none ought to be deprived of."³⁴⁰ In addition, speech naturally took place in a socialising context: "Man is an understanding creature, and therefore a sociable creature, whose property it is to meet and assemble together." The logical next step was the conduct of popular politics through speech, as men met "in their Senate-house or Townhouse to treat of their affairs: the which Meetings are the Priviledges and Rights by Nature that belong to such and so noble a creature as Man is."³⁴¹

In those "Councels of the people, in their Parliaments or Senates, liberty of speech is to be used." However, as Streater did not advocate merely a direct democracy, he went further in even giving guidelines to the deliberative rhetoric of those who "represent the people, being elected of and by the people." They should speak with "boldness," "like the people, who have a natural inclination to speak truth with bold-

³³⁸ Streater, *Observations*, 8, pp. 59-60.

³³⁹ Streater, *Observations*, 8, p. 60.

³⁴⁰ Streater, *Observations*, 8, pp. 61-62 (incorrectly paginated pp. 57-58). For the latter quote, the context does include some caveats: "Sir *Edward Cook*, 4 part Instit. chap. *High Court of Parliament*, fol. 8. reporteth, That the first thing the Commons of *England* craved upon their first meeting in Parliament, was Liberty of Speech; the which indeed none ought to be deprived of, provided that it extend not to scandal, and that what is said is spoken with wisdom, gravity, and constancie." Further caveats will follow.

³⁴¹ Streater, *Observations*, 7, pp. 51-52. And as shown earlier, Streater saw that participation in such meetings should be universal to all free people.

ness.” ‘Boldness’ might refer to lack of propriety or to parrhesiastic frankness, but a more likely candidate would be ‘bravery.’ When listing the duties and ideal characteristics of representatives, Streater affirmed how they “ought not to be daunted by the greatest Person or Forces under heaven.” By being “free from force and over-awing,” they could meaningfully use free speech in their debates “of what is profitable and what is not profitable to the Commonwealth; of what is just, and what is unjust.”³⁴²

It was also in the nature of Streater’s republicanism that there would have to be persons who govern over their equals – even if they change places in steady intervals. And among one of his distinctions between freemen and slaves was “That the freeman, or the free Commonwealth, can bring them to be accountable, that govern command or rule.”³⁴³ In order to facilitate the governors’ accountability, there would have to be free speech. However, Streater does not argue for free speech so much as a necessary evil, but in more positive terms. The argument for free speech was due to the “the greatest advantage” to be gained: the “benefit the freedom of Speech will bring to a Commonwealth” is “that it is chiefly to detect Injustice and Oppression.”³⁴⁴

At the same time, the benefits of the freedom of speech could also be shared by those in power, as it was “not unprofitable or those that obtain power justly, to permit of sociable meetings of mankind, permitting them to have liberty to treat of Government.” As has been shown, this was to allow for the natural right, but in addition it could be allowed for by “those that are in government” when they “doe govern well,” since then the citizens “will speake well of them.”³⁴⁵ It was in the common interest of the governed and the governors, when those in power were “aright informed, whether they govern aright or no; whether they please the people or displease them.” Streater was not explicit whether such a court of public opinion would reflect right reason or whether it should be followed in every circumstance, so such strong interpreta-

³⁴² Streater, *Observations*, 8, pp. 62 (incorrectly paginated 58).

³⁴³ Streater, *Observations*, 11, p. 85.

³⁴⁴ Streater, *Observations*, 8, pp. 62 (incorrectly paginated 58).

³⁴⁵ Streater, *Observations*, 7, p. 52.

tions seem unwarranted. What he did suggest was that the lack of valid information about public opinion was “one reason why that so many Changes in State and Commonwealths happen.”³⁴⁶ Avoiding political troubles through censorship was to put the cart before the horse.

In order to get valid information, it was necessary to refrain from any over-awing or other methods of domination, coercive or gentle. It was “not profitable for those in power to ask” about their performance “of those he obligeth to him by committing great Trusts or favours.” The problem was not merely the conflict of interest that might lead to receiving biased, slavish advice. More dangerously, it could lead to a situation where those already corrupted by favouritism would use their position of advice for furthering their personal interests: “they account that the public good that is good to them.” In such a case, the rulers would not only lack information, but would be actively fed disinformation by “those that dayly receive profit by their favour.” Accordingly, “those that govern are wonderfully deceived in looking upon the flattering titles, praises, and prayers of those that seek or expect favours.”³⁴⁷ Pandering to power was not merely slavish, but detrimental through the resulting factionalism.

The dangers of flattery and demagoguery are familiar from the other republicans under study, yet their existence has been an argument against monarchy as well as popular rule. Streater, however, had unabashedly favourable views on the nature of the people – ‘mob,’ ‘multitude,’ or other such pejorative terms were not part of his rhetoric in *Observations*. Indeed, at several instances his views seem borderline naïve: writing that “if people have not cause to speak evil of those in power, they will not speak evill of them” can give an impression of someone with a tin ear for libel.³⁴⁸ Likewise, the expectations Streater has of the ‘natural’ inclinations of the people and their representatives, seem to leave the republic a hostage to fortune: “those who are employed in the Supreme Councils of a Commonwealth, as they are to arm themselves with wisdom and courage, so they are to lay aside all partiality and

³⁴⁶ Streater, *Observations*, 8, p. 60.

³⁴⁷ Streater, *Observations*, 8, pp. 59-60.

³⁴⁸ Streater, *Observations*, 8, p. 60.

private respect, and onely minde that of the publike.”³⁴⁹

Nevertheless, there are a few plausible explanations for Streater’s virtuous populism. One is a question of marketing tactics: the most positive statements of the natural goodness of people and the benefits of free speech can for the most part be found in issue number 8 of the *Observations*, whereas other issues do include more nuanced and qualified views. Second is the existence of institutional arrangements, checks and balances, that would not leave the welfare of the republican whole completely dependent on the moral integrity of its parts.³⁵⁰ Third is that by abstracting the people as a whole into a benevolent force allowed Streater to be suspicious of the individual parts. Thus Streater could simultaneously assert that “the voice of the people is as the voice of God,” and “the people have no end in them but good”³⁵¹ and also give advice how “the best way to be sure not to be deceived, is to suspect all men, but not shew the suspicion.”³⁵² In a sense, Streater’s political theory almost *needs* demagogues and flatterers, in order to take the blame from the abstract ‘people,’ who “are not so soon deceived, as those in power are, by their minions and flatterers.”³⁵³

Accordingly, Streater put great weight on avoiding the dangers wrought by “*Flatterers*,” the “wicked guides,” who “will for their own ends not value the publike ruine and destruction.” It was the “greatest Wisdom and Art that can be shewed by those that govern,.. to avoid *Flatterers*, and such persons that do aym at ngthing [sic] but themselves.”³⁵⁴ As usual, these characteristics applied to a demagogue as well, to him who “incites and stirs up the souldiery of the Commonwealth to rebel to commit treason,” or “tickleth the people with pleasing plausible works, and words.”³⁵⁵ Such abusers of rhetoric were clearly a far cry

³⁴⁹ Streater, *Observations*, 9, p. 69. Cf. also the reference to the “Councel-Chamber of *Reinspourg* [Regensburg?]” on the same page.

³⁵⁰ Further elaboration of this point will follow shortly.

³⁵¹ Streater, *Observations*, 7, p. 52.

³⁵² Streater, *Observations*, 1, p. 2.

³⁵³ Streater, *Observations*, 7, p. 52.

³⁵⁴ Streater, *Observations*, 1, p. 2.

³⁵⁵ Streater, “A politick commentary on the life of Caius Julius Caesar,” pp. 22-23.

from the “eloquence and eloquent men” of the Ciceronian ideal.³⁵⁶

To the two group of abusers, flatterers and demagogues, for whom “the pretence of publike good is the onely way to carry on a designe for a particular interest,” were also added false prophets: those who would induce the people “to expect happiness in another world, rather than Liberty in this.”³⁵⁷ The antipathy against firebrand preachers was one of the things Streater had in common with the other republicans of the age. Streater painted them unapologetically as dissemblers, who were “calling this a truth to day, & a ly to morrow.” For them, “most commonly that is called truth, which those in power doe own.” Through such sanctimonious opportunism it had come to be that “at this day Religion is the only thing that most in power make use of to awe people to obedience.”³⁵⁸ Awe, and thus lead into slavery.

Due to the actions of such individuals, “those that intend evil, or are of an evil minde,” there would even have to be some restraints upon free speech. For Streater, “discipline” was justified in such cases, but if unfounded or arbitrary, “it preserveth not people, but instead thereof brings them into perfect servitude.”³⁵⁹ In the end, Streater did not so much have a problem with censorship per se, as with its abuse – if it was not arbitrary, then it would not necessarily be dominating.

The question of freedom as non-domination, of true liberty, surfaced ipso facto in Streater’s grappling with Aristotle’s *Politics*, when it came to the question of natural slavery. By the 11th issue of *Observations*, Streater put flatly his answer to the question “is ther a bondslave by nature,” as “I deny.” The main argument, as ever, was from ‘nature’: if there were slaves by nature, there must be Lords also, “the which

³⁵⁶ Streater, *Observations*, 10, p. 73: “The commendation of *Cicero, lib. I. de Oratore*, to eloquence and eloquent men:.. also in *lib.6. de Repub.* or dream of *Scipio*.” Cicero also quoted in issue 6, p. 42 on “his 3[.] Book of Laws,” and 10, p. 78 on “(*lib. 3. de natur. Deor.*)” These books, while commonplaces in the republican tradition, are also particularly interesting in the connection between Streater and James Harrington.

³⁵⁷ Streater, *Observations*, 9, p. 70 (incorrectly paginated 68).

³⁵⁸ Streater, *Observations*, 6, p. 45.

³⁵⁹ Streater, *Observations*, 9, p. 70 (incorrectly paginated 68).

is contrary to nature.”³⁶⁰ Nevertheless, Streater immediately added a caveat “that in policy, it is reasonable and requisite to reduce all mankinde to a well-tempered and composed servitude.” Streater elaborated on the content of such ‘servitude’ “that the spirits of mankinde be not depressed or dejected” – the mark of domination – “but that service should be rather to teach experience, and restrain the Circle of Nature, until they are of age and of discretion that it extend not its limits.”³⁶¹ This was to accomodate the needs of education – the period in life where the status of being dominated was unavoidable.

For Streater, the role of education had two significant aspects: the emancipatory and the traditional. The emancipatory nature meant that even though there were no natural slaves, the existence of slavery and enslavement were evident truths. The risk of enslavement should and would cause freemen to revolt, but since slavery breeds servility, what could be done to those who have never tasted freedom in the first place? Streater presented learning as a method of emancipation, as “noble and notable vertues.. may be hatched by the gentle warmth of education, in the breast of the slave or of the servant.” There was nothing in ‘nature’ prohibiting a slave adequately “intelligible to know times and seasons for planting, plowing and sowing,” from being “as capable to attain to the knowledge of the sciences.”³⁶² The knowledge of which contained the traditional aspect of education, i.e. the upbringing of good citizens. Streater’s advocacy of this commonplace had even an air of a cliché, when he referred to how “the *City* or *Civil Society* do cause the *liberal Sciences*, the art & manner of *Government* to be taught,” so that “*it may be supposed* to be a good means to arrive at the End” [italics mine].³⁶³

Quite possibly Streater did not hold formal education in such a great

³⁶⁰ Streater, *Observations*, 11, p. 83. Note the difference to Milton, who “for all his hatred of tyranny and love of liberty, was opposed to the enslavement of the wrong people rather than to slavery per se”: in Steven Jablonski, “Ham’s Vicious Race: Slavery and John Milton,” *Studies in English Literature*, (37), 1997, p. 188.

³⁶¹ Streater, *Observations*, 11, p. 83. Seemingly servitude was an inflammatory term, considering the way Streater immediately began qualifying it: “I mean, tempered & composed so...”

³⁶² Streater, *Observations*, 11, pp. 83-84.

³⁶³ Streater, *Observations*, 1, p. 7.

esteem as his other contemporaries in the task of encouraging virtue out of free citizens. What Streater presented as better means to such an end were theatres, showing "Plays and Interludes to heighten the minds of people." Not just any performances but those "wherein are notably presented the Genues [sic] of a State," namely anti-tyrannical drama. Another notable difference to other republicans under study is in the role of passions in the creation of virtuous citizens. Whereas the commonplace argument on behalf of education would include learning to control one's passions and to use right reason, Streater specifically argues on behalf of passions in promoting a hatred of tyranny. For this reason, theatre plays enjoy a more important role than passionless teaching could: "they are as passions and as lovers pulses, which do shew the soul more quicker then do words or actions."³⁶⁴ Nevertheless, the role of any form of education and the civic virtues thus nurtured, was of secondary importance to the role of institutions in the preservation of liberty.

As mentioned above, a partial solution for deciphering Streater's populism lies in the organisation of political institutions in such a way as to avoid leaving the welfare of the republic a hostage to fortune. Whether the rulers were good or not was beside the point, since even a good absolute ruler was still an absolute ruler. The possible benefits would not outweigh the potential losses. Accordingly, "the way for a people to prevent the receiving of evil from absolute Authorities, is, to be sure not to receive good from absolute Authorities." In practical terms, or in Streater's words, "the English whereof is this, That limitations be upon those that have power." To fully appreciate Streater's suspicion of the corrupting nature of unlimited power, consider his views on 'theocracy': if "Angels sent by God were to govern a Nation," then surely God "would have that Nation to limit those Angels by Laws and Ordinances, that were contrived and formed by reason, else the Angels would soon become Devils."³⁶⁵

³⁶⁴ Streater, *Observations*, 4, p. 30, as quoted in Nigel Smith, "Popular republicanism in the 1650s: John Streater's 'heroick mechanicks,'" in *Milton and Republicanism*, eds. David Armitage et al., Cambridge: 1995, p. 151.

³⁶⁵ Streater, *Observations*, 10, p. 77.

Some of these limits were prosaic, requiring that those in power should be checked by laws, and others have already been mentioned earlier – laws should be founded on consensual authority, and legislators should be held accountable through elections and free speech. In addition to such “distinctions between freemen and slaves,” Streater included separation of powers: “The freeman or free Commonwealth, is to put a difference between the Legislative power, the Executive power, and judicial power: if either two or all three are joyned in one, it is no other then a tyranny.”³⁶⁶ However, Streater omitted more detailed descriptions on the practicalities of the separation of powers. In the first issue of *Observations* he mentioned only in passing how “it is the opinion of some,” that a republic “mixt partly *Aristocratical*, and partly *Democratical*” might be a preferred choice, “for then the people could have curbed the pride and oppression of the Senate, without indangering the State.”³⁶⁷ Otherwise Streater considered the rules of limiting powers “a Mystery not fit to be discovered now.”³⁶⁸

The practicalities were thus omitted, but Streater did strongly advocate a general understanding of politics, which would allow a set of criteria for judging the propriety of institutional arrangements to be formed. At points, these criteria seem as ambiguous as those found in more modern institutional mission statements. To give a few examples: “Commonwealth” should “be accounted perfect or imperfect, as the several Members thereof are either perfect or imperfect, and as they are rightly proportioned;”³⁶⁹ “he that frameth in his minde the building of a stately structure, doth not consider the parts, but the whole; and after he hath framed the whole fabrick in his minde, then he beginneth to consider the parts.”³⁷⁰ Considering Streater’s background in engineering, the use of such metaphors not only makes sense, but it is also important to understand how ‘built’ republican instruments – such as

³⁶⁶ Streater, *Observations*, 11, p. 83.

³⁶⁷ Streater, *Observations*, 1, p. 6.

³⁶⁸ Streater, *Observations*, 11, p. 86. Streater’s “now” might have meant the next issue, but as this turned out to be the last issue of *Observations*, we shall never know.

³⁶⁹ Streater, *Observations*, 3, p. 18.

³⁷⁰ Streater, *Observations*, 9, p. 66.

institutions – are of different degree of ‘perfection’ from that found in nature.³⁷¹

As has been shown, much of the argumentation in Streater’s political theory rests on the laws of nature dictating the necessity of free speech, social behaviour, etc. Nevertheless, these laws provide only the foundations for the best possible society, rather than guaranteeing a perfect one. The basic ontological premise for the unattainability of natural perfection is because “if it were so that any thing could be perfect, it would be good; and there is not one thing good, but that which *Hermes Trismegistus* calleth *The onely Good*; meaning God.”³⁷² Since aiming to such natural, Godly perfection was clearly futile, the political striving for embetterment, proceeding “forwarder towards Perfection,” would need to mean the redefinition of ‘perfection’ in terms of the means rather than the end: “in Cities endeavouring to live well and to press towards Good, is the Perfection.”³⁷³ Similarly, the ‘perfection’ in things built – buildings, institutions – does not follow from their ‘natural’ perfection, but from their functionality: how they provide for the well-being and harmony of the whole. Thus, their exact shapes and forms would be of lesser importance than the guiding principles, the most important of which was the common good.

The main method of transferring the principle of perfect building into political institutions was through public interest: “If it be so that the whole is before the parts; then it may be safely concluded, that the public should be before the private.”³⁷⁴ The appeal to the role of self-interest was made in defence of elections and the rotation of offices. Popularly elected governors make for better choices, since “it is most certain that they do give advise with a great deal lesse respecting of any particular interest.”³⁷⁵ Without the rotation of offices those in power “make not laws for the society, but for themselves, and in favour of their

³⁷¹ Johns, *The nature of the Book*, p. 279.

³⁷² Streater, *Observations*, 7, p. 49. The *Corpus Hermetica* had been translated recently, in 1650.

³⁷³ Streater, *Observations*, 7, pp. 49-50.

³⁷⁴ Streater, *Observations*, 9, p. 66.

³⁷⁵ Streater, *Observations*, 8, p. 60.

interest.”³⁷⁶ However, rather than arguing for an elite (of one or many) who would be able to ascertain the public interest, Streater claimed that the maintenance of liberty through popular self-government was only possible “when several interests are incorporated into the one publick interest.”³⁷⁷ As befits Streater’s way of riding roughshod over details, the exact method of this incorporation was omitted from the *Observations*.

In concluding this account of *Observations*, we can note how Streater’s approach to free speech has affinities with our current positive assertions on it. However, when presenting such ‘winning arguments,’ there is all the more reason to guard against merely transposing our present understanding to the seventeenth-century frame of reference. Despite his connection of tyranny with censorship and popular republics with free speech, Streater also claimed that an absolute monarch would be “free to permit the liberty of speech,” if he ruled well.³⁷⁸ Streater proceeded to give a number of examples of such cases, referring to Paolo Giovio on how “Many Princes have esteemed of the liberty of speech at a high rate,” and Tacitus on “the difference between those Princes that *are just, noble, and vertuous*; and those that *are corrupt and of base mind*.”³⁷⁹

Considering Streater’s strong advocacy of republicanism, this might seem odd on first reading. In the very beginning of *Observations*, Streater had argued that Princes and great men were inherently injurious to common good even despite their wisdom and valour.³⁸⁰ Furthermore, according to Streater, the “free Commonwealth, is to put a difference between the Legislative power, the Executive power, and judicial power: if either two or all three are joyned in one, it is no other then a tyranny.”³⁸¹ But if by definition an absolute monarch, even a benevolent

³⁷⁶ Streater, *Observations*, 7, p. 53.

³⁷⁷ Streater, *Observations*, 5, p. 35.

³⁷⁸ Streater, *Observations*, 8, pp. 59-60.

³⁷⁹ Streater, *Observations*, 8, p. 61 (incorrectly paginated 57).

³⁸⁰ Streater, *Observations*, 1, p. 3. Reasons given make for familiar reading: “they have too much liberty.. they abound all things.. their Minions and Flatterers, do no good.. all or most Ministers of State are detestable, foolish, and covetous.. ignorance in affairs of State,” etc.

³⁸¹ Streater, *Observations*, 11, p. 83.

one, inherently wields tyrannous power leading to a loss of liberty, how could liberty of speech even exist under such a ruler?

One part of the answer lies in the nature of free speech, which, up to a point, can be useful to the purposes of a tyrant. As in the case of Nero, who “pretended hatred to flatterers; (that was but to invite freedom of speech, the better to discover mens mindes and affections).”³⁸² This is the familiar Tiberian argument, of paying lip service to laws only as long as it is needed. Nevertheless, the crux of the matter is that, despite the connections and compatibility between republican liberty and free speech, they are not quite the same thing. This point was not lost on Tacitus, whom Streater quoted on the rule of “*Prince Nerva of sacred memor, and of the Emperour Trajane,*” when “*a man might THINK WHAT HE WOULD, AND SAY WAT (sic) HE THOUGHT.*” This favourable situation was “*a rare felicity of the time,*” i.e., a chance, subject to lucky circumstances.³⁸³ Free speech could exist where liberty did not, even if its status would be more secure in a republican form of government. In the end, republican liberty is a question of status, whereas rights and privileges can be either granted or taken, or if natural, protected or limited, by authorities of any kind.

8. *Nedham and Milton for the Protectorate*

It should come as no surprise that Marchamont Nedham had few problems in accommodating himself to the new political situation after 1653. He has been attributed as the author of *A true state of the case of the Commonwealth*, published in February 1654.³⁸⁴ This attribution is taken

³⁸² Streater, *Observations*, 10, p. 76.

³⁸³ Streater, *Observations*, 8, p. 61 (incorrectly paginated 57). The quote is from Tacitus, *Histories*, 1.1, “*Rara temporum felicitate, ubi sentire quae velis, et quae sentias dicere licet.*” The translation is Henry Savile’s [1591] – except the use of capital letters, which was Streater’s choice of emphasis.

³⁸⁴ Full title: [Marchamont Nedham], *A true state of the case of the Commonwealth of England, Scotland, and Ireland, and the dominions thereto belonging; in reference to the late established government by a Lord Protector, and a Parliament. Manifesting therein, not only a consis-*

in this study as plausible enough, as there are certainly large portions of the text which are familiar and consistent with Nedham's earlier views and writings. However, the text does have some aspects which would suggest that it was either an uncharacteristic or at least innovative work by Nedham, or that he was not the sole author.³⁸⁵

For example, the amount of religious rhetoric throughout the text is unlike Nedham's earlier works. As for the content and the arguments brought forward, there were some novel emphases. The restriction of the powers of the Parliament was defended as preventing the legislators from making laws needlessly and endlessly.³⁸⁶ The argument for the separation of powers got a novel spin due to the freedom of debate in the Parliament: if Parliament would take on the task of the judiciary, individual members could claim non-responsibility in case of maladministration due to their free speech.³⁸⁷

This particular argument would have been a very easy target for authors such as Streater, who would base their case in favor of regular elections precisely on the need to hold parliamentarians accountable for their policies and actions. Claiming freedom from accountability because of free speech simply would not follow. However, and this is where the text has more affinities with Nedham's earlier works, *A true state* makes no case for the need for authority based on popular rule through regular elections. Legitimate authority can be said to come from the people, when it is not hereditary or derived from inherent superiority. If these conditions are met, as in the case of the Protec-

tencie with, and necessary consequence upon the foregoing alterations; but also a full conformity to the declared principles and engagements of the Parliament and Army. It being the judgment of divers persons, who, throughout these late troubles, have approved themselves faithfull to the cause and interest of God and their country. Presented to the publick, for the satisfaction of others, London: 1654.

³⁸⁵ To Blair Worden, Nedham being the sole author has not been 'persuasively' contested: Worden, *Literature and Politics*, p. 428. However, considering how much of Worden's book is dedicated to the interconnectedness of authors and their works, it should not be beyond the realm of the probable that *A true state* had extra input from others.

³⁸⁶ Nedham, *A true state*, pp. 9-11, 23-25.

³⁸⁷ Nedham, *A true state*, p. 24.

torate, such a rule of the realm can be defined as being “sufficiently popular.”³⁸⁸

Similarly to Nedham’s earlier works, in *A true state* more weight is put on the freedom of conscience than on the freedom of public speech. The “great care of the Parliament” was “to make a Christian provision for the Liberty of tender Consciences.” This task involved “excluding ever licentious and blasphemous Opinions and Practices.”³⁸⁹ As for the duties “incumbent upon the Magistrate,” they included the provision “for the Civil peace, and to prevent fore-seen evils and inconveniences growing upon the Commonwealth, tending to Confusion.” Such instances included all occasions “given to subtile heads and carnal minds to display innumerable Parties and Factions under the banner of Religion, spreading abroad most blasphemous Opinions.”³⁹⁰ As earlier, Nedham saw religious demagogues as one of the main dangers threatening the state: “the licentious subverting of all Order and Government,” “under the profession of Christ” to “the apparent hazard, vexation, and disquiet of the Commonwealth.” In the struggle “to restrain such as shall abuse their Liberty to the Civil injury of others, and to the actual disturbance of the publick Peace,” the ideal of free speech would have to yield to the “way of Coercion.”³⁹¹

It is noteworthy that the argument is hedged to such a great extent. The text does not include an outright dismissal of the ideal of free speech, and the exceptional nature of the current situation is emphasised at every turn. Nevertheless, it would be too conjectural to interpret from the mere absence of negative views that Nedham was emphatically for free speech either. One plausible assumption that could be interpreted from *A true state*, is that freedom of speech was among other aspects of a political philosophy that aimed for a golden mean. The contemporary political arrangement represented well this ideal in having “the Unitive vertue (but nothing else) of Monarchie,” “the admirable Counsel of Aristocracie,” and “the industry and courage of Democracie.” Due

³⁸⁸ Nedham, *A true state*, pp. 28-29.

³⁸⁹ Nedham, *A true state*, p. 41.

³⁹⁰ Nedham, *A true state*, p. 42.

³⁹¹ Nedham, *A true state*, p. 43.

to this mixed government, “the Frame of Government appears so well bounded on both sides, against Anarchie and Tyrannie,” proving it to be “a seasonable Mean.”³⁹² In the quest for a balance between these two extremes, freedom of speech would not enjoy a sacrosanct status.

In the summer of 1654, Oliver Cromwell summoned the first Protectorate Parliament, but the election did not result in a legislative body characterised by harmony and mutual understanding. As the session started in September, so did the outpouring of critical political pamphlets. Nedham returned to the task of countering such ‘seditious libel’ in October, with a newsbook called *The Observer, with a summary of intelligence*. The newsbook was mainly dedicated to defending the prevailing form of government. Alas, only two issues were published – to which the reason could conceivably be the one already raised with John Hall: that perhaps not every single piece of counter-propaganda was necessarily deemed worth paying for.

In the case of the *Observer*, especially in its first issue, the main thrust of argument was to present the targets as open displays of mental disorders. Aptly, the motto of the newsbook was ‘semel insanivimus, omnes’ (we have all been mad once). Presumably this approach also allowed Nedham to fully plumb the depths of his forte, i.e. scatological humour: “IT’s a mad world, my Masters, when the Press and the People are troubled with such a *Loosness*, that whatever they take in, runs through them presently; which is a main reason why so many worshipfull Penmen are condemned weekly to the Privies instead of the Gallies.”³⁹³ In comparison to such wit on Nedham’s behalf, his opponents, the “unparalle’d Vermin,” spewed “Comedies” weekly from the press, “without the trouble of good Letters or care of good manners.”³⁹⁴

The need to counter such writers was not merely due to their uncomeliness, but for the effects their writings had. In the second issue Nedham’s metaphors changed from the intestinal to those of incineration: “ONE had need cry out *Fire, Fire*, for a Reformation of Pamphlets,

³⁹² Nedham, *A true state*, pp. 51-52.

³⁹³ Marchamont Nedham, *The Observer, with a summary of intelligence*, London: Oct 24 - 31 1654, no. 1, p. 1.

³⁹⁴ Nedham, *The Observer*, 1, p. 2.

or else they may fire both City and Country.” The continued analogy might fail, but the sense of emergency and willful destruction carries through: “The *single-sheeted Incendiaries* walk now in state, and toss Granada’s without controll.”³⁹⁵ And as in Nedham’s earlier writings, the main agents of destruction that needed to be quenched, remained the same: “those Vagabond Factions, that ramble about, under the name of Religion, to blow the Bellows of Sedition,” “giddy Incendiaries, that clothe themselves with the name of Gods people” – i.e. religious demagogues.³⁹⁶

It is worth noting the selection of Nedham’s targets. For Nedham to shower abuse on William Prynne, Spittelhouse or other perceived Fifth Monarchists was not unusual, but as has been shown, John Streater was also responsible for very critical writings against the new form of government that Nedham was defending. Yet *The Observer* steered clear of any comments on Streater’s works.³⁹⁷ This omission could be due to Nedham not openly disagreeing with Streater’s brand of republicanism. There is some evidence, albeit scanty, of connections between Streater and Nedham,³⁹⁸ and there is no evidence of the type of animosity between John Hall and Streater. Nevertheless, from an empirical viewpoint, the lack of evidence means the question must remain ultimately unresolved, even if the silence speaks volumes.

When Nedham was engaged to counter the domestic enemies of the commonwealth, Milton continued to take the fight to the foreigners. *Joannis Miltoni Angli Pro Populo Anglicano Defensio Secunda*, hereinafter *Second Defence of the English People*, was published in Latin in May 1654. It was written against a libel entitled *Regii sanguinis clamor ad coelum adversus paricidas Anglicanos* that came out in 1652; i.e., before the dissolution of the Parliament. Most of the tract seems to have been written before April 1653,³⁹⁹ but it is treated at this point of the study since some of its

³⁹⁵ Nedham, *The Observer*, 2, (Oct 31 – Nov 7), p. 9.

³⁹⁶ Nedham, *The Observer*, 2, pp. 12, 27.

³⁹⁷ Outside the apparent similarities between the titles of *Observations* and *Observer*, which were rather commonplace at the time.

³⁹⁸ Worden, *Literature and Politics*, pp. 313-16.

³⁹⁹ Cf. Worden, *Literature and Politics* on the composition of the tract.

parts are relevant to the events after that date.

The *Second Defense* continued Milton's line of inveighing against the "multitude," those of "the wonted manner," and "blind superstition of the mob" (CPW 4:549, 551). Milton did not share the Machiavellian view of people as inherently decent, but often misled: rather he sees the sole positive aspect in them as their English character,⁴⁰⁰ which could in best cases keep them from their natural, base inclinations. In those fortuitous cases "the lofty exaltation of their minds," when "better instructed," could keep them from becoming such a mob. (CPW 4:552) Otherwise, the reasons for uncomely behaviour were unchanged from those given in earlier tracts: the people were "maddened by priestly machinations" (CPW 4:551), "the pre-eminent ignorance or insolence" of "ministers" (CPW 4:626).

Besides the current actions of firebrand priests, Milton also drew upon classical references. He acknowledged that "times may often come when a majority of the citizens are wanton, preferring to follow Catiline or Antony" (CPW 4:648). Catiline, *satis eloquentiae, sapientiae parum*, was of course the archetype of a demagogue. However, this reference to Catiline should not be interpreted as highlighting the threat of rhetoric, but rather its abuse – as well as its proper use. After all, it was Cicero's use of rhetoric which had saved the republic. This connection has been seen as intentional, enforcing the image of Milton as Cicero, reliving the ethos of the golden age of republican liberty and oratory.⁴⁰¹

Accordingly, Milton described himself as the ideal orator defending the republic, "having from early youth been especially devoted to the liberal arts." His education came in use in order to "add as much weight as possible to the counsels of my country and to this excellent cause." Milton could "worthily" praise and extoll by both deliberative and epideictic rhetoric the glorious exploits of republics, and defend the truth "by reason" (CPW 4:553). It was up to Milton to "rightly counsel, encourage, and inspire" (CPW 4:685). Although "the distinguished orators of ancient times undoubtedly surpass me, both in their eloquence

⁴⁰⁰ More on the analysis of the English character in Milton and other republicans: Scott, *Commonwealth principles*, pp. 238-241.

⁴⁰¹ Smith, *Literature and Revolution*, p. 190.

and in their style,” Milton could appeal to Cicero’s authority⁴⁰² in the sense that he aimed to “outstrip all the orators of every age in the grandeur of my subject and my theme” (CPW 4:554). Of great things can great speeches be made. Thus, “in short, it is the renewed cultivation of freedom and civic life that I disseminate throughout cities, kingdoms, and nations” (CPW 4:556).

As to how the supply of such great orators could be maintained, Milton returned to elaborate on the purposes of education, since “nothing can be more efficacious than education in moulding the minds of men to virtue.” These virtues were of the civic variety, to aid in governing the state effectively, and preserving it “for the longest possible space of time” (CPW 4:625).⁴⁰³ Towards the end of the tract, Milton gave his counsel to Cromwell. He included an exhortation to “take more thought for the education and morality of the young.” Meritocracy and elitism went hand in hand, as “the rewards of the learned” should be kept “for those who have already acquired learning, those who already deserve the reward.” This was the connection between the deliberating, literate elite educated in rhetoric who could enjoy the privilege of free speech: those who could, should debate freely amongst each other, in a spirit of “free inquiry.”⁴⁰⁴ Censure by the envious, narrow-minded and superstitious “half-educated” would definitely break any sense of propriety.⁴⁰⁵ For Cromwell, *audi altere partem* is instrumental, as he should “never be afraid to listen to truth or falsehood, whichever it is,” but afterwards “take the side of those who think that not just their own

⁴⁰² In *De Oratore*, book III.

⁴⁰³ The time scale is significant, in comparison to Harrington’s ‘immortal commonwealth.’

⁴⁰⁴ Similarly, ethos of the speaker cannot be separated from this privilege, as it was Milton’s noble deeds that had bestowed upon him “a good conscience, good repute among good men, and this honorable freedom of speech” (CPW 4:627).

⁴⁰⁵ Milton made this point also in reference to his earlier work: “I wrote my *Areopagitica*, in order to deliver the press from the restraints with which it was encumbered; that the power of determining what was true and what was false, what ought to be published and what to be suppressed, might no longer be entrusted to *a few illiterate and illiberal individuals*” (italics mine). The quality of the censors, rather than censorship as such, was the problem.

party or faction.” It was in this aim for the common good that “all citizens equally have an equal right to freedom in the state” (CPW 4:679) – not through self-governance, but in the ‘effects’ of freedom, as Hall would have put it.

In his continued omission of giving credence to consensual or majority rule, and concentrating on the rule of law, Milton was following his earlier works. However, this strategy of omission must have been easier to use against monarchy in 1651, than after Oliver Cromwell’s dissolution of the parliament. In this context the *Second Defence* is clearly addressing the questions relevant to the events immediately before its publication. Milton argued that “a people torn by so many factions” did “not itself permit that condition in public affairs which is ideal and perfect,” as a form of government (CPW 4:680). When relating what the principles of such government should be, Milton presents reasons similar to Nedham’s, worth quoting in full:

For why should anyone then claim for you freedom to vote or the power of sending to Parliament whomever you prefer? So that each of you could elect in the cities men of his own faction, or in the country towns choose that man, however unworthy, who has entertained you more lavishly at banquets and supplied farmers and peasants with more abundant drink? Under such circumstances, not wisdom and authority, but faction and gluttony would elect to Parliament in our name either inn-keepers and hucksters of the state from city taverns or from country districts plough-boys and veritable herdsmen. Who would commit the state to men whom no one would trust with his private affairs? (CPW 4:682).

The main difference to Nedham is that not only does Milton see such government as a way out of the state of liberty, but it also leads to loss of any sense of freedom for the individual. Under electoral system, people are slaves without perceiving it: “They can perhaps change their servitude; they cannot cast it off” (CPW 4:683). Popular authority would have to wait until the people become wiser, and lose their false consciousness. Until that there would be a need “of some tutor, some brave and faithful guardian of your affairs” (CPW 4:684). In such a republic, consent has as little relevance to legitimate authority, as freedom of speech has with having a say in decision-making.

By 1655 Milton's failing eyesight had caused him to start using an amanuensis for dictation, and his official duties and salary were both reduced. There is no evidence of his next work, *Defensio of Himself* (*Prose Defensio*, 1655) being officially commissioned,⁴⁰⁶ and considering the personal tone of the book, it was plausibly published on Milton's own initiative.⁴⁰⁷ The main theme of the book was to defend Milton's earlier *Defensio Secunda*, against its detractor, Alexander More. Milton had falsely thought More to have been the writer of the *Regii sanguinis*, an error in judgement which More in turn attacked and Milton nevertheless chose to maintain as the true state of affairs.⁴⁰⁸ Accordingly, the vitriol and themes of the *Defensio Secunda* were continued.

In his attacks on More's use and knowledge of rhetoric, Milton reached from ancient times to the present. More's choices of "rhetoricians" were questionable, whereas Milton, if he were to use "illustrious orators," could "easily and immediately make apparent how unlettered" More was "in these matters, and how ignorant" (CPW 4:734). The attack against Milton's own rhetoric and ethos was dismissed, since "appropriate praises are not indecoruous" at certain occasions, and furthermore, there actually was no praise of himself, but merely "a plain and simple narration" against "abuses and calumnies" (CPW 4:735). Truth might win in an open argument, but in politics reputation, *auctoritas*, still counts: "those men who are accustomed to ponder public affairs and to weigh matters with proper judgment agree with me that nothing is of greater moment in the judgment of a cause than the quality of the life and manners of him who defends that cause most keenly" (CPW 4:736-7).

Considering the amount of abuse Milton could shower on More, the issue of manners could be seen as somewhat counter-productive. Nevertheless, as pertains to decorum, if any breaches had been made by Milton; they could be attributed to his opponent, who had by his

⁴⁰⁶ Reuben Sánchez, *Persona and decorum in Milton's prose*, Madison, NJ: 1997, p. 127.

⁴⁰⁷ Gordon Campbell, Thomas Corns, *John Milton: life, work, and thought*, Oxford: 2008, pp. 264-5. Cp. also to the point made about the fall of Hall from favour, or Nedham's *Observator*.

⁴⁰⁸ Worden, *Literature and Politics*, p. 262.

manners “changed innocent words into unchaste ones” (CPW 4:743), and could be blamed for leaving little choice to Milton: “He who describes you and your villainies must speak obscenely.” And even so, the “gravest authors.. have always thought that words unchaste and plain thrust out with indignation signify not obscenity, but the vehemence of gravest censure” (CPW 4:744). Admittedly, an air of too much protesting seems present: why does Milton insist on giving excuses to excuses, for things he is not guilty of to begin with? One answer is in the formal, rhetorical method, and another is the aim of highlighting the lack of classical learning in his opponents. Milton would have an arsenal of armaments for shooting his opponents down – which ipso facto was the clinching argument.

For example, when Milton’s opponent tried to appeal to the authority of Cicero, Milton answered how “it does not appear to me that he has set up boundaries of decorum so narrow and severe that it would be difficult for anyone to contain himself within those boundaries.” Rather, “nothing is farther removed from the very nature of decorum than that a man like you.. should employ language which is elegant, or reproach that which is foul” (CPW 4:744). Milton made his own argument from classic sources: “no orator known for the baseness of his life, not even if he were the most eloquent of the Athenians, should have the right to speak on public matters to the people” since “more harm proceeds from the example of a base character than good from the most chaste and holy oration.” Thus, “how much more shameful it is that a fornicator and adulterer, as though he were the messenger and minister of God, should possess the most pernicious right to preach in a church on sacred matters to Christian people.” (CPW 4:761-2).

This acknowledgement of the roles of *ethos* and *utilitas*, in what was allowed as free speech, was in turn used to defend Milton’s rebuttal. Milton raised his own disinterested *ethos* against his opponent: “there is no reason why I should think that you who preach for hire are better able to advise than I who counsel gratis.” Clearly, in proper hands such as Milton’s, free speech served its purpose: “shall not our people stand in need of me to advise them freely, which is a right allowed to every citizen, though I stand below the rostrum?.” In relation to the

previous paragraph, it can be assumed that the definition of “every citizen” would be quite restricted, depending on ethos, purpose, skill (CPW 4:772).

When it comes to More, his skills are severely lacking. He is compared to “the many mountebanks and empirics, the multitude of druggsters and quacks.. at Rome or in Venice.. hawking their boxes and nostrums” (CPW 4:764), “a wandering sophist and the mere sport of your own windiness.” And especially, he is guilty of that “art of abuse” (CPW 4:765) or the “rhetoric of devils” (CPW 4:766) of which he accuses Milton. Milton, of course, is justified and virtuous in his writings, exhibiting merely “most just vituperation” (CPW 4:796). In the opponent’s “manners may be found no grace, in whose writings no elegance,” and his ignorance is shown when he declares “that unseemly which Marcus Tullius judged to be supreme in an orator,” which “even to Plato and Socratics” was “seemly or decorous”: that is; “pleasantries intermixed and interspersed sometimes in the gravest matters.” For the audience of “learned and intelligent men,” this is clear (CPW 4:771).

On the subject of learning, another opponent of republicanism must be mentioned, even if he was not explicitly mentioned in *Pro Se Defensio*. A few years before *Pro Se Defensio*, Hobbes had written how “in these western parts of the world, we are made to receive our opinions concerning the Institution, and Rights of Common-wealths, from Aristotle, Cicero, and other men, Greeks and Romanes” and thus “men from their childhood have gotten a habit (under a false shew of Liberty,) of favouring tumults and of licentious controlling the actions of their Sovereigns.”⁴⁰⁹ Milton saw the same learning in a diametrically opposed sense: “We who as youths under so many masters are accustomed to toil at imaginary eloquence, and think that its rhetorical force lies in invective no less than in praise, do at the desk bravely strike down, to be sure, the names of ancient tyrants” (CPW 4:795).

Hobbes saw as especially dangerous the rhetorical redescription allowed by the humanistic education, as it was “from the reading, I say, of such books, men have undertaken to kill their Kings, because

⁴⁰⁹ Thomas Hobbes, *Leviathan*, ed. Richard Tuck (1651), Cambridge: 1991, pp. 149-50.

the Greek and Latine writers, in their books, and discourses of Policy, make it lawfull, and laudable, for any man to do so; provided before he do it, he call him Tyrant.”⁴¹⁰ However, for Milton, this laudable practice was rather unfortunately restricted to “the debating room or in the school of rhetoric” and the abuse of rhetoric was in the form of flattery to tyrants “for in the state for the most part we adore, or rather worship such men, and call them most mighty, most powerful, most august” (CPW 4:795). It has been argued that Milton’s *Tenure of Kings and Magistrates* of 1649 was “perhaps one of the linguistically slippery works that Hobbes condemned in *Leviathan*”⁴¹¹ – perhaps in *Pro Se Defensio* Milton gave his answer.

⁴¹⁰ Hobbes, *Leviathan*, pp. 225-6. On the paradiastolic redcriptions and Hobbes: Skinner, *Reason and rhetoric*, pp. 339-42.

⁴¹¹ Joad Raymond, “The King is a Thing,” in *Milton and the Terms of Liberty*, eds. Graham Parry, Joad Raymond, Cambridge: 2002, p. 71.

PART IV 1656

9. *Nedham, his Excellencie*

While John Milton was engaged in continental battles of the pen, the mode of government at home continued to drift further away from its republican moorings. In January 1655 Cromwell had dissolved the cantankerous first Protectorate Parliament, and continued anew to rule without one. The combination of financial troubles and censorship spelled trouble for writers relying on commissions from the government. Not only was Milton facing economic hardship, as mentioned earlier, but in April of 1655 a cost cutting exercise targeted John Hall and Marchamont Nedham as well. Having been made redundant, Hall returned to Durham, where he died in the autumn of 1656. Nedham managed to secure other sources of revenue, biding his time and making advances to the authorities about his usefulness.⁴¹²

Meanwhile, over the summer and autumn Cromwell established a new system of military government, known as the rule of the Major-Generals. By November the prospects of establishing a republican form of government were very low considering the actual state of affairs, which would make Nedham's next action seem curious in retrospect. He chose to register for publication a book titled *Excellencie of a Free-State*, the contents of which were essentially a collection of his news-book editorials from *Mercurius Politicus*.⁴¹³ The editorials were originally

⁴¹² Raymond, "John Hall's A Method of History"; Peacey, *Politicians and Pamphleteers*, pp. 278, 292; Worden, *Literature and Politics*, p. 311.

⁴¹³ Full title: Marchamont Nedham, *The excellencie of a free-state, or, The right constitution of a common-wealth: wherein all objections are answered, and the best way to secure the peoples*

published between 1651 and August 1652, that is, during the Commonwealth era.⁴¹⁴ There are some undisputable differences between the two sets of texts,⁴¹⁵ but not to such extent that would justify dealing with the texts twice in the course of this study. Nevertheless, the question remains: why did Nedham, the epitome of a paid hack, choose to put forward very republican-oriented arguments in the context of late 1655, rather than defend the status quo?

A plausible explanation lies in the combination of the low ebb of republicanism, and the misfortunes of the unpopular government: it could be that Nedham was representing his republican credentials in expectation of a possible change of government – one that would value a republican ideologue.⁴¹⁶ The likelihood of that happening were made all the more likely by the continued financial and other difficulties of the government over the spring of 1656, problems which necessitated the summoning of a new parliament. The publication date of the *Excellencie of a Free-State* was in June 1656, two months before the official campaigning for the elections for a second Protectorate Parliament.⁴¹⁷ Nevertheless, the argument from political opportunism should not be pushed too far.

Throughout his career Nedham was willing to argue on both sides of the question. We have seen how in the 1640s arguments advanced by Nedham for the parliamentary cause, were castigated in his royalist phase, and similarly his examples from Classical and Renaissance history used to prove one thing in his Roundhead writings would prove another in his Cavalier texts – or put in more rhetorical mode, “his arguments turning (as it were) on their footnotes to meet each change of allegiance.”⁴¹⁸ The argument here is that if considered against the

liberties discovered: with some errors of government, and rules of policie, London: 1656.

⁴¹⁴ Worden, *Literature and Politics*, pp. 218, 306, 310.

⁴¹⁵ On which Worden, *Literature and Politics*, pp. 309-13 is the magisterial exposition.

⁴¹⁶ Worden, *Literature and Politics*, pp. 310-11.

⁴¹⁷ Austin Woolrych, *Britain in Revolution: 1625-1660*, Oxford: 2002, pp. 640-1; Worden, *Literature and Politics*, p. 310.

⁴¹⁸ Worden, “Wit in a Roundhead,” pp. 303, 321. As will be shown, this tendency continued after 1650s until the very end of Nedham’s career.

background of rhetorical training and ideals, Nedham's shifts of allegiance are to some degree understandable as arguments from both (or all) sides of the questions.

This brings also new light to the persistent question about Nedham's conscience and political principles: was he a complete hack? Certainly he was justly accused of apostasy and venality, but nevertheless, it did not stop him from making the same charges against others. To some extent the roots of this problem lie in the assumption that the seventeenth century political culture was one of rigidity, consensus and firm ideologies, although the humanistic educational culture did not advance such values. It is worthwhile to note how after 1655, when Nedham could practically write the *Mercurius Politicus* without any opposition, he did not – despite the opportunity – let the newsbook become uncontroversial nor consensus-oriented. Indeed, it has been even argued that Nedham's "texts can be seen as a practical enactment of his belief that different opinions needed to be overcome than silenced, in a kind of *concordia discors*"⁴¹⁹ – a variation of the 'wars of truth' of Milton.

There is also another solution to the problem of Nedham's conscience, concerning the 'art of dissimulation.' The suggestion is that Nedham might have agreed with his friend Henry Oxinden, who "viewed the contemporary world in terms of Machiavellian duplicity and regarded 'the art of dissimulation' as essential to survival in it."⁴²⁰ One problem with this explanation is that dissimulation belonged rather to conversation than to public speaking or writing (nor was it necessarily and solely a vice).⁴²¹ There are connections between the 'art of dissimulation' as a part of polite conversation and the art of rhetoric, but whether the methods of handling social relationships can be used to explain Nedham's public writings (where he often enjoyed anonymity) is highly questionable. Ultimately, the question whether Nedham's political views changed to the extent his allegiances did, must depend on an analysis of the contents of his writings.

⁴¹⁹ Raymond, "The newspaper," p. 126.

⁴²⁰ In Worden, "Wit in a Roundhead," p. 304; also Paul A. Rahe, "An inky wretch: The outrageous Genius of Marchamont Nedham (seventeenth century journalist and master of partisan reporting)," *The National Interest*, Winter 2002.

⁴²¹ As in Francis Bacon, "Of Simulation and Dissimulation," in his *Essays*.

Undoubtedly Nedham did change his accusations of flattery, when it came to its popular mode: in 1648 he wrote against flattering the “rascall Multitude” with notions of popular rule, but in 1656 against the flattery presuming “to prophane that pure way of a Free-State, or Government by the People.”⁴²² In *Excellencie of a Free-State*, “the only Patern of a Free-state fit for all the world to follow” was “to place both the exercise & interest of Supremacy in the hands of the people, so that nothing of a publick interest could be imposed, but what passed currant by vertue of their consent and Authority.”⁴²³ Rather than being the harbingers of anarchy, “the People are best Keepers of their own Liberty, because it is ever the Peoples care to see, that Authority be so constituted, that it shall be rather a burthen than benefit to those that undertake it.”⁴²⁴

Nevertheless, Nedham’s change of opinion is qualified to an extent that his change of approach is not, in the end, total. Immediately after praising “a Government by a free Election and Consent of the People, settled in a due and orderly succession of their supreme Assemblies,” Nedham explicitly qualifies who the ‘people’ are. Not wanting to leave any room for misinterpretations about the people, as in the body of citizens eligible to vote, they would be a severely restricted class apart from the populace as a whole:

To take off all mis-constructions; when we mention *the People*, observe all along, that we do not mean the confused promiscuous Body of the People, nor any part of the people who have forfeited their Rights by Delinquency, Neutrality, or Apostacy, &c. in relation to the divided state of any Nation; for they are not to be reckon’d within the Lists of the People.⁴²⁵

Seen from a viewpoint of *decorum*, of adapting to the audience, it seems that Nedham indeed adapted his political viewpoints according to the

⁴²² [Marchamont Nedham] Mercurius Pragmaticus, *A plea for the king and kingdome: by way of answer to the late remonstrance of the army*, London: 1648, p. 26; Nedham, *The Excellencie of a Free State*, p. 83.

⁴²³ Nedham, *The Excellencie of a Free State*, p. 8.

⁴²⁴ Nedham, *The Excellencie of a Free State*, p. 26.

⁴²⁵ Nedham, *The Excellencie of a Free State*, pp. 70-1.

audience: the readers of 1640s were more likely to be a varied assortment of people than the restricted readership of 1650s. This does not solve definitely the question of his democratic leanings, but if seen apart from the possible adaptation to the audience, the omission of any Leveler-style promotion of democracy seems to indicate that the question is how much (or little) Nedham would have wanted to enlarge the electorate. Thus, whether the composition of 'the people' is finally any broader than in the *Case of the CW*, remains open to interpretation. More importantly however, what can be ascertained is that the role of the senate was argued from a grounds of election and rotation of offices, but the authority invested stayed the same: "in *Free-States*.. the Majesty and Authority of their Suffrages, or Votes [was held] intire in their Senators, or supream Assemblies."⁴²⁶

In comparison to his earlier writings, the senate has become a place of interests, rather than wisdom and discretion only. Counter-intuitively, acknowledging the role of interests would not result in an amoral market-place election, but in a situation where "none but honest, generous, and publick spirits, will then desire to be in Authority, and that onely for the Common good."⁴²⁷ Furthermore, the difficult issue of the role of interests in general is elaborated in much greater detail in *Excellencie of a Free-State* than earlier. Nedham made clear the problem of confusing terms when discussing the error of the regulation of affairs by reason of state: "But for fear be mistaken, you are to understand, that by Reason of State here, we do not condemn the equitable Results of prudence & right Reason: for upon determinations of this nature depends the safety of all states, and princes." The reason of state to be condemned was from "corrupt principle," the tricking, changeable, "*Humane Invention*," "that *Italian Goddess, Ragione di Stato*."⁴²⁸

The republican right reason was what serves the true, public interest, and was mainly described in opposition to factionalism in a society: "Faction is an adhering to, and a promoting of an Interest, that is dis-

⁴²⁶ Nedham, *The Excellencie of a Free State*, p. 171.

⁴²⁷ Nedham, *The Excellencie of a Free State*, p. 26.

⁴²⁸ Nedham, *The Excellencie of a Free State*, pp. 205-7.

tinct from the true and declared Interest of State.”⁴²⁹ Quoting classical authorities, “as *Cicero* defines faction to be a deviation from the declared interest of State,”⁴³⁰ Nedham asserted how faction could be discovered from “any Designs, Counsels, Actings, or Persons, moving in opposition to that which is the true publick Interest.”⁴³¹ Promoting of private interests will “put the Commonwealth into frequent flames of discontent and sedition.”⁴³² Such promoters were, of course, the demagogues.

The *locus classicus* of demagogues was naturally Athens. One commonplace reason for its downfall was the nature of the people, which argument Nedham chose to avoid in *Excellencie of a Free-State*. Rather, he laid the guilt heavily on the demagogues and the weak institutional arrangements, thus absolving the people from much of the blame. It was the power-hungry authorities’ “doctrine of tyranny,” their unwillingness to relinquish their power, whose “custome hath been still to perswade men, partly by strong pretence of Argument, and partly by force, that they may do what they list.”⁴³³ Tumults caused by this doctrine resulted from the “Tricks and Cheats,”⁴³⁴ through which people were “drawn in, or provoked”⁴³⁵ to tumults, as they were used by “powerful persons”⁴³⁶ for their own ends. This was the “true Reason” of miscarriages of “any Government of the People.”⁴³⁷ In the contemporary context potential demagogues, such as royalists were “not to be allowed sharers in the Rights of the people” since it would “give them opportunity to sow the seeds of new Broyls and Divisions.”⁴³⁸

The opposite of such pernicious demagogues was, as ever, the virtuous orator, the role of whom Nedham considered essential in keeping

⁴²⁹ Nedham, *The Excellencie of a Free State*, p. 29.

⁴³⁰ Nedham, *The Excellencie of a Free State*, p. 246.

⁴³¹ Nedham, *The Excellencie of a Free State*, p. 228.

⁴³² Nedham, *The Excellencie of a Free State*, p. 35.

⁴³³ Nedham, *The Excellencie of a Free State*, p. 77.

⁴³⁴ Nedham, *The Excellencie of a Free State*, p. 111.

⁴³⁵ Nedham, *The Excellencie of a Free State*, p. 108.

⁴³⁶ Nedham, *The Excellencie of a Free State*, p. 90.

⁴³⁷ Nedham, *The Excellencie of a Free State*, p. 89.

⁴³⁸ Nedham, *The Excellencie of a Free State*, p. 95.

the potentially destructive power of the people in check. People might be the best guarantors of their own liberties, but that did not mean they were incapable of destroying the commonwealth and the same liberties with it. Thus Nedham returned to the positive power of eloquence and ethos, as defined by classical (and republican) examples, in keeping the lower levels of society in order: “an Eloquent Oration, or Perswasion, (as we see in the example of *Menenius Agrippa*) or the Reputation of some grave or honest Man, (as in the example of *Virginus*, and afterwards of *Cato*) doth very easily reduce and pacifie [the people].”⁴³⁹

The obvious next step was to ask how to proceed with and to guarantee the existence of such orators. The answer was through humanistic education. The importance of such education was stressed by the danger of its alternative: ignorance. In *Excellencie of a Free-State* Nedham asserted how it was an especially grave policy error in a republic to keep “the people ignorant of those ways and means that are essentially necessary, for the preservation of their Liberty” and therefore “it is without all question, most necessary, that they be made acquainted, and thoroughly instructed in the Means and Rules of its preservation.”⁴⁴⁰ Higher education was an important, but not the only, means to that end.

One way to advance the required level of education for the public at large was to use epideictic rhetoric, to commend or condemn, as was done from the Roman Rostra. The public would be informed with such praises as “how easie and excellent [freedom] is above all other Forms of Government, if it be kept within due bounds and order.”⁴⁴¹ For the youth and children who “should be educated and instructed in the Principles of *Freedom*” the schools played an essential part.⁴⁴² In schools, it was “the *Free-States of Greece*,” which Nedham saw as the recommended models, since they “tyed up their Pædagogues and Teachers, to certain rules.” And not only were the teachers controlled, but also the curriculum, since they “selected certain Authors to be read

⁴³⁹ Nedham, *The Excellencie of a Free State*, p. 109.

⁴⁴⁰ Nedham, *The Excellencie of a Free State*, pp. 160-1.

⁴⁴¹ Nedham, *The Excellencie of a Free State*, p. 24.

⁴⁴² Nedham, *The Excellencie of a Free State*, pp. 178-9.

onely, as Classical.”⁴⁴³

Nedham’s stress on the subject matter reflected the siege mentality of the Commonwealth: education in its two forms prepared people “against the Adulterous Wiles and Rapes of any projecting Sophisters that may arise hereafter.”⁴⁴⁴ And without due control over educational institutes - “Schools, Academies, with al other Seed-plots, and Seminaries of Youth” - will “otherwise be but so many Nurseries of Rebellion, publike Enemies, and unnatural Monsters: that will tear the bowels of their Mother-Country.”⁴⁴⁵ It has even been argued that for Nedham “republicanism would not be secure until a new political generation had been raised, educated in the history and precepts of liberty.”⁴⁴⁶ However, despite the present dangers, Nedham did profess faith in the education, through which the citizens of a republic could be “sufficiently instructed how to demean themselves, for the avoiding of Licentiousness, Tumult, and Civil Dissension.”⁴⁴⁷

The qualifications Nedham added about ‘due bounds and order,’ and the needs to avoid licentiousness are familiar from his earlier writings. Nevertheless, in *Excellencie of a Free-State* Nedham’s rhetoric and arguments seem quite favourable to the ideal of freedom of expression. He wrote how “calling Tyrants to an account” was “a noble Act of Justice,” and such “worthy patriots” should be rewarded with honours as they were in ancient Greece and Rome.⁴⁴⁸ In popular commonwealth “the Liberty of Accusation by the People, before their Supreme Assemblies” was defined as “essentially necessary for the preservation of a Commonwealth”⁴⁴⁹ and “of absolute necessity to the safety and well being of a Commonwealth.”⁴⁵⁰

To the argument that such liberty of criticism might lead to cal-

⁴⁴³ Nedham, *Excellencie of a Free State*, p. 181.

⁴⁴⁴ Nedham, *The Excellencie of a Free State*, p. 161.

⁴⁴⁵ Nedham, *The Excellencie of a Free State*, p. 180.

⁴⁴⁶ Scott, *England’s Troubles*, p. 310.

⁴⁴⁷ Nedham, *The Excellencie of a Free State*, p. 192.

⁴⁴⁸ Nedham, *The Excellencie of a Free State*, p. 78.

⁴⁴⁹ Nedham, *The Excellencie of a Free State*, p. 114.

⁴⁵⁰ Nedham, *The Excellencie of a Free State*, p. 119.

umny, “ambitious slandering of men, by whisperings, reports, or false accusations,” Nedham countered that the problem was caused by the “Lordly interest of Dominion,” i.e., by the form of government.⁴⁵¹ The “crooked way of Calumniation” was much less used under the “Peoples Form of Government,” but it was not and never had been allowed or approved of in there either.⁴⁵² The problem remained serious, as “Calumniation against Persons in Authority” were “the greatest abuses and blemishes of Liberty, and have been the most frequent Causes of Tumult and Dissension.”⁴⁵³ Nevertheless, as in *Certain Considerations* of 1649, Nedham shifted the responsibility to the authorities: their accountability would prevent the “popular clamour and Tumults” caused by any charges of abuse, as well as protect the state “from Usurpation by men of power.”⁴⁵⁴ It was the tyrants’ peace that was guarded by unwarranted claims of sedition.

However, as for freedom of expression otherwise, Nedham repeatedly warned against turning liberty into licentiousness. The main worry was civil dissension, and accordingly Nedham’s listing of the only “particulars” of “true freedom,” by which “people are said to enjoy their rights,” did not include any notions of free speech or press. (The five points were: pragmatic laws, swift administration, accountability of authorities, uninterrupted representative institutions, and free elections thereof).⁴⁵⁵ Nedham’s arguments lie mainly in advancing the chances to oppose the authorities. In 1656 this can be understood from the context of Cromwell’s Protectorate: Nedham did not support or defend Cromwell’s advent to power. He did not oppose it openly either, but his views on the liberty to criticise, accountable governors and so on can be seen as subtle opposition to the perceived excesses of power in the Protectorate’s system of government.

⁴⁵¹ Nedham, *The Excellencie of a Free State*, pp. 111-2.

⁴⁵² Nedham, *The Excellencie of a Free State*, p. 118.

⁴⁵³ Nedham, *The Excellencie of a Free State*, p. 195.

⁴⁵⁴ Nedham, *The Excellencie of a Free State*, pp. 195-6.

⁴⁵⁵ Nedham, *The Excellencie of a Free State*, pp. 4-5.

10. *James Harrington and his Oceana*

Another author who attacked the excesses of power and published his writings in time to influence the Parliamentary elections of 1656 was James Harrington. The *Commonwealth of Oceana* was initially published in September 1656, but was pulled out of the press. After a series of interventions, it came out again in November 1656. It was Harrington's first publication, at the age of 45. His background was from the nobility, with brief spells of studies in Oxford and in the Inns of Court. After several years of travels on the continent, he returned to a life of leisure at his family manor. In 1647 he was appointed to accompany the imprisoned king Charles I. Harrington was discharged of those duties before the king's decapitation in 1649. He then returned to his manor, and at some point began the work on his *magnum opus*, the *Oceana*.

The exact dates of the composition of *Oceana* are not known. Harrington himself claimed that he had "not been yet two years about it" (PW 156), but in a context of excusing the errata. The two-year period would place the initial impetus in 1654; i.e., after Cromwell's ascendancy and the first protectorate elections. This image is reinforced in *The examination of James Harrington*, depicting an interview in 1662 where Harrington claimed to have started to write his work after Cromwell's ascendancy to "the throne" (PW 859). However, as will be shown, there is much in the work that was directed against Hobbes' *Leviathan*, suggesting an even longer period of gestation, if not outright composition.

The relationship with Hobbes will be analysed in due course, but I will begin my analysis by introducing the republican system presented in the work. This is because the role of public speech and rhetoric in Harrington's political philosophy is intrinsically dependent on the arrangements and institutions of the Harringtonian republic. What constitutes an early modern republic was, and is, a highly contested issue. The consensus used in this study can, for heuristic purposes, be defined as a political arrangement containing elements of popular rule under the rule of law. Any further elaboration of republicanism tends to result in

clashes between various schools of thought. In Harrington's case, the main strands of the more recent interpretations can be defined as the classical, utopian or non-republican.

The classical republican Harrington followed the classical ideals of actively participating, virtuous citizens skilled in rhetoric, and his political system was a way of making sure such citizens would rule in an orderly manner. A constitution and the rule of law would create a framework, where democracy could work without succumbing to mob rule or factionalism caused by demagoguery.⁴⁵⁶ Continuing from this view, the utopian republican Harrington was presented as a re-thinker of classical tradition. Participation was not so much encouraged as mandated in his obsessive utopian system, removing the need for virtuous moral action or choice. Thus, Harrington's institutions are rather procedural machines of ritual performances, where real, open debate would be out of place and, in practice, nearly impossible.⁴⁵⁷ Lastly, the non-republican view of Harrington has presented him as bringing classical tradition to its end. His system of peaceful order was effectively sacrificing classical ideals for cold calculations of interests and social engineering. His system meant the end of republican politics of participation through public deliberation, to be replaced by common consent to institutionalised, representative decision-making.⁴⁵⁸

⁴⁵⁶ Pocock, *The Machiavellian Moment*, pp. 393-394; Blair Worden, "English republicanism," in *Cambridge history of political thought, 1450-1700*, eds. James Henderson Burns, Mark Goldie, Cambridge: 1994, p. 468; Glenn Burgess, "Repacifying the polity: the responses of Hobbes and Harrington to the 'crisis of the common law,'" in *Soldiers, writers and statesmen of the English revolution*, eds. Ian Gentles et al., Cambridge: 1998, pp. 222-223, 225-226; Norbrook, *Writing the English Republic*, p. 365.

⁴⁵⁷ Frank E. Manuel & Fritzie P. Manuel, *Utopian Thought in the Western World*, Oxford: 1979, pp. 362, 364; J. C. Davis, *Utopia and the ideal society: a study of English utopian writing 1516-1700*, Cambridge: 1981, pp. 207-209, 211, 238-239.

⁴⁵⁸ Elizabeth Skerpan, *The rhetoric of politics in the English Revolution, 1642 - 1660*, Columbia: 1992, pp. 205-207; Scott, "The rapture of motion," pp. 146, 150-151; Paul A. Rahe, "Antiquity Surpassed: the Repudiation of Classical Republicanism," in *Republicanism, Liberty and Commercial Society, 1694-1776*, ed. David Wootton, Stanford: 1994, p. 259; Paul A. Rahe, *Republics ancient and modern. vol 2: New modes and orders in Early modern political thought*, Chapel Hill: 1994, pp. 184, 191; Alan

For most of these schools of thought, the issue of public speech has been of secondary importance, as the emphasis has been on the role of classical precedents. Gary Remer has been an exception to the rule, and his valuable study of Harrington's "new rhetoric" argues that the innovatory approach to rhetoric in Harrington's political system can be explained by his redefinition of republicanism. For Remer, Harrington reworked his brands of rhetoric and republicanism from their classical models.⁴⁵⁹ This will bring us to the second level of analysis, the "modernity" of Harrington's thought.

Numerous debates have been had on whether Harrington was following classical precedents or was a thoroughly modern thinker. This is generally an extremely contested territory in the study of early modern republicanism, especially with Paul A. Rahe and Jonathan Scott.⁴⁶⁰ In describing the dichotomies of classical/modern or liberalism/republicanism for authors their views are often assessed in relation to classical authors, humanistic values, etc. Yet since rhetoric could be used or abused, bring benefits or disadvantages to society its role had to be weighed and, according to each author's preferences, the results varied greatly. It is possible to study and to evaluate how the early modern authors utilised classical authors for their views and purposes, but how classical authors viewed rhetoric will not provide any simple litmus tests for republican values in the early modern era.⁴⁶¹

Cromartie, "Harringtonian Virtue: Harrington, Machiavelli, and the Method of the *Moment*," *The Historical Journal*, 41(4) 1998, pp. 1004-1006; David Wootton, "Introduction: The Republican Tradition: From Commonwealth to Common Sense," in *Republicanism, Liberty and Commercial Society, 1694-1776*, ed. David Wootton, Stanford: 1994, pp. 13-14.

⁴⁵⁹ Gary Remer, "James Harrington's New Deliberative Rhetoric: Reflection of an Anticlassical Republicanism," *History of Political Thought*, 16(4), 1995. I am much indebted to Remer's groundbreaking article, despite some disagreements which will become apparent.

⁴⁶⁰ Main works: Jonathan Scott, *England's Troubles: Seventeenth century English political instability in European context*, Cambridge: 2000; Rahe, *Republics ancient and modern*.

⁴⁶¹ In this field, neglecting the role of rhetoric can lead to interpretations where classical references are dismissed as only rhetorical ploys while the hidden liberalism is genuine. For example, this seems to be the case in Mitchell, "A *Liberal* Republican 'Cato'." Admittedly, this might indeed be true in some cases, but it

In Harrington's case, the classical roots of his philosophy are well recorded, but in previous research especially the non-republican school of thought has questioned their application. Harrington has been seen as jettisoning classical ideals, or perverting them or, at least, aligning himself with classical authors of questionable democratic credentials: for example, to Jonathan Scott, the "ruling spirit" of Harrington's brand of republicanism was not "Cicero.. but Plato."⁴⁶² While not aiming to be a work of classical scholarship, one of my aims is to show that there are grounds to argue that some of these customary conceptions of classical republican writers are unfounded. Nevertheless, my main aim is to show that Harrington could also have read from classical authors aspects of his politics that have been sometimes appropriated as modern inventions. Much of Harrington's critique of Hobbes can be reinterpreted from this perspective.

At the same time, some parts of Harrington's political thought, previously attributed mainly to the role of rhetoric, rely instead on other elements of early modern political and social theories. These topics include counsel and civil conversation, which, although related to classical rhetoric, are not solely governed by it. A common factor is that they have been influenced by rhetoric to some extent, or used in conjunction with rhetorical modes, but they have also often been presented as alternatives to rhetoric or modes of political action, distinct and even untainted by rhetoric. Accordingly, in earlier studies some of them have been subsumed either more into Harrington's rhetorical views, or more into his republican theory. As these topics lie somewhere between rhetoric defined as eloquent persuasion, and Hobbesian politics free from rhetoric, my reflections here are necessarily tentative, since such topics represent a large field of study in their own right.

Furthermore, I will analyse the interplay between Harrington's political theory and its relation to rhetoric, in the context of law and education. As mentioned earlier, traditionally scholarship on classical republicanism has stressed the role of humanistic education, and

does not explain why rhetoric would be inapplicable for promoting modern or liberal values.

⁴⁶² Scott, "The rapture of motion," p. 162.

thus the role of rhetoric, in creating the virtuous citizens needed for a well-working republic. For seventeenth century republicanism, this emphasis has been questioned by Paul Rahe, who has argued that education was deliberately abandoned for institutional arrangements. In turn, Jonathan Scott has argued that this observation only applies to select republicans.⁴⁶³ Richard Serjeantson has argued that humanistic political philosophy was in fact divided on the subject, to those favouring learning as a means to cultivate virtue with minimal legislative framework, and to those favouring a more legalistic approach. This dichotomy was not new to the seventeenth century, but can be traced to the differing views of Plato and Aristotle.⁴⁶⁴ This chapter aims to show that the tension and compromising between these two approaches to early modern political theory can be especially useful in explaining Harrington's thinking.

We may begin with Harrington's approach to institutions and interests. The system of government Harrington proposed was quite elaborate, but the gist of it can be defined as bicameral, representative institution where deliberation, and thus the use of rhetoric, is confined to the upper chamber. This "house of knights," or "senate" would "debate and propose" legislation, which was to "be promulgated for the space of six weeks." To prevent abuses of power the lower chamber, or "house of deputies," would work as a counter-balance, as it had the power to accept or reject the proposal in a vote, or "result."⁴⁶⁵ Harrington's later

⁴⁶³ Scott, *England's Troubles*, p. 293; cf. Rahe, "Antiquity Surpassed," and Rahe, *Republics ancient and modern*.

⁴⁶⁴ Richard Serjeantson, "Law, Education, and the Ideal Society," a paper given at the *New Worlds Reflected*, conference at Birkbeck College, University of London, 10 December 2005.

⁴⁶⁵ This definition is taken from a later work, *The Ways and Means Whereby an equal and lasting Commonwealth May be suddenly introduced and perfectly founded with the free consent and actual confirmation of the whole people of England*, p. 824. Also as: "Let the senate have the whole authority or right of debating and proposing unto the people; let the popular assembly have the whole power of result; and let what shall be proposed by the senate, and resolved by the popular assembly, be the law of Oceana" in *The Art of Lawgiving* pp. 672, 674; basically the same as in *The Rota or a Model of a Free State or Equal Commonwealth* pp. 815-816. The descriptions from later works are due to their conciseness: *Oceana* has the description in much greater detail, which need

works will be dealt in due course, but it is worth noting here that this basic division of power, “debate” and “result,” was unchanged in all of his later works – even if its expressed form was concisely shortened over the years.

In *Oceana*, Harrington defined debate as being “to discern, or put a difference between things that being alike are not the same, or it is separating and weighing this reason against that and that reason against this” (PW 173-4). Other interchangeable terms for debate given in later works were: dividing, which “in the language of a commonwealth,” was defined as “separating one thing, one reason, one interest, or consideration, from another” (PW 416); and deliberation, “in which, as the scale by the weight of reason or passion comes to be turned one way or other” (PW 422). Defined thus, debate seems closely connected to political and forensic rhetoric, choosing policy or judging based on reasoning *in utramque partem*.

However, due to Harrington’s tendency to juxtapose the terms reason and interest, it has become almost a commonplace that Harrington simply equated reason with interest. Accordingly, as pertains to rhetoric, Gary Remer has argued that Harrington’s system relied on “rational rhetoric,” which was “a rhetoric based on self-interest,” and thus “rational debate is about calculating these interests.”⁴⁶⁶ Yet another interpretation is possible from the context. My argument is that what is at issue is the question of bringing the common good to the debate, rather than proposing any *felicific calculus*.

Counter to oft-repeated claims Harrington did not presume all men to be wicked,⁴⁶⁷ but only as it pertained to the “distinct interests.” In *Oceana*, the lawgiver Lord Archon explicated that “we are not so to understand the maxim of legislators which holdeth all men to be wicked, as if it related to mankind or a commonwealth,.. but as it relates unto every man or party, under what color soever he or they pretend to be trusted apart, with or by the whole.” With the division of power and

not detain this study.

⁴⁶⁶ Remer, “Harrington’s New Deliberative Rhetoric,” p. 554.1

⁴⁶⁷ For example: Davis, *Utopia and the ideal society*, p. 239; Rahe, *Republics ancient and modern*, p. 181.

different responsibilities therein, and without excessive, corrupting wealth, such threat from factions could be avoided. The debate could be aligned to the shared, common interest, to confine the senate to follow the guidelines of virtue, rule of reason and common good in their debates on the commonwealth, “interests whereof are the only straight lines that they have whereby to reform the crooked” (PW 292).⁴⁶⁸ Since the use of the concept of interests is so fundamental in Harrington’s political theory, it is essential to analyse it in detail – especially in order to differentiate it from interest theory, and the reason of state.

In *Oceana* the “reason of state” equalled “the interest (or error, as was said by Solomon) of the ruler or rulers.” Yet Harrington did not argue against reason of state simply because it could promote monarchical interest or had monarchical connotations: it could also signify the error of “the people”⁴⁶⁹ (PW 171). This seeming paradox has created confusion among researchers who have taken at face value republican characterizations of aiming for political solutions to finding the public interest: Harrington’s conceptualisation has been seen as inconsistent, and his theory as confused.⁴⁷⁰ To shed light on this confused issue, we need to take into account the moral dilemmas caused by the uninhibited use of the language of interests, in the manner of reason of state theorists. Despite their currency and superficial novelty, the topics of national interest and reason of state were dealt with within the framework of moral good and expediency, might versus right. Or most usefully in the early modern context, this dispute can be described as the conflict between *honestas* and *utilitas* to use the terms in Cicero’s *De Officiis*, a bestselling textbook of the early modern epoch.⁴⁷¹

⁴⁶⁸ Eric Nelson has argued this point against Remer’s view (op. cit., p. 180) that the senate, though wise, was simply not virtuous enough: Eric Nelson, *The Greek tradition in republican thought*, Cambridge: 2004, pp. 123-124.

⁴⁶⁹ Pace Gunn, “Interest doe not lie.”

⁴⁷⁰ Gunn, *Politics and the public interest*, ch 4 passim. Despite the needless conflation of reason and interest, Gunn did note that Harrington did not aim for a simple hedonic calculus, but for a mechanism of finding the common good.

⁴⁷¹ On the conflict in political theory, see Thomas Mautner, “Grotius and the Skeptics,” *Journal of the History of Ideas*, 66(4), 2005; Conal Condren, “The Paradoxes of Recontextualization in Early Modern Intellectual History (review article),” *The*

This conflict, especially as portrayed in the Stoic sources available to Harrington, shows close affinities with their views. The most relevant examples are Cicero's *De Legibus* (1.23), which presents the right reason, *recta ratio*, the objective reason expressed in human institutions as the basis of society.⁴⁷² In *De Natura Deorum* (2.154) - or his "most excellent book," to quote Harrington, Cicero presents mankind as "the only beings that exercise reason, and live according to justice and law" (PW 186).⁴⁷³ And in *De Re Publica*, in the part that was known from St Augustine, who quoted from it in his *City of God* (2.21), the definition of a Common-wealth is "*the estate of the commonty*" and "that this *commonty* is not meant of euery rablement of the multitude, but that it is a *society*, gathered together in one consent of law, and in one participation of profit."⁴⁷⁴ Harrington used such points to define government "*de jure*, or according to ancient prudence" as "an art whereby a civil society of men is instituted and preserved upon the foundation of common right or interest." (PW 161)⁴⁷⁵

This last 'or' has caused many of the difficulties in interpreting Harrington. It has become a commonplace in research literature to assert how Harrington equated right, reason, interest and law. In the Stoic approach this is not completely impossible, but few Stoics would have approved of the simple view that whatever brings utility equals good, yet this is what Harrington's line on "reason is nothing but interest" would seem to indicate (PW 171).

Historical Journal, 37(1), 1994; concerning the proper ends of deliberative rhetoric, see Virginia Cox, "Machiavelli and the Rhetorica ad Herennium: Deliberative Rhetoric in *The Prince*," *Sixteenth Century Journal*, 28(4), 1997, pp. 1109-1141.

⁴⁷² Cromartie, "Harringtonian Virtue," p. 994.

⁴⁷³ Malcolm Schofield, "Stoic and Epicurean political thought," in *The Cambridge History of Greek and Roman Political Thought*, eds. Christopher J Rowe, Malcolm Schofield, Cambridge: 2000, p. 451; Jon Miller, "Stoics, Grotius and Spinoza on moral deliberation," in *Hellenistic and Early Modern Philosophy*, eds. Jon Miller, Brad Inwood, Cambridge: 2003, p. 122.

⁴⁷⁴ St. Augustine, *Of the citie of God vwith the learned comments of Io. Lod. Viues* London: 1610, p. 82.

⁴⁷⁵ This point was not lost to John Toland, who attached Cicero's definition of a republic to the first leaf of Harrington's collected works: James Harrington, *The Oceana, and other works of James Harrington, esq; collected, methodiz'd, and review'd, with an exact account of his life prefix'd*, John Toland (ed.), London: 1700.

Although the possibility of inconsistency should never be ruled out, there is reason for another view. If we look at Harrington's assertion in context (in a very literal sense) it does not seem reasonable to claim that Harrington is promoting an amoral approach. Two earlier scholars of natural law that Harrington used extensively against might-makes-right argumentation were Hugo Grotius and John Selden. They both used the second speech of Carneades against natural law, known from Lactantius, as an example of such thinking that was to be refuted (Grotius in *De Jure Belli et Pacis* and Selden in *De Jure Naturali*).⁴⁷⁶ Harrington in turn made a similar point against Thomas Hobbes, calling him a follower of "his furious master Carneades." Here Harrington made one of his many jibes at Hobbes, this one on Hobbes' professed claims to repudiate classical political thought (more on which later). Thus, "though he seems to skew at antiquity," for Harrington Hobbes was still effec-

⁴⁷⁶ Hugo Grotius, *The Illustrious Hugo Grotius of the Law of Warre and Peace with Annotations*, London: 1654, sig. *3r. On a further note, it has been argued that the argument Richard Tuck makes of Carneades as a symbol for early modern skeptics (e.g. "...for 'Carneades' one should in effect read 'Montaigne' or 'Charron'": Richard Tuck, "The 'Modern' Theory of Natural Law," in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden, Cambridge: 1987, p. 109) is wrong, and Grotius used only the latter of Carneades' speeches as an example of a consummate rhetor promoting the *ragione di stato* -thinking that he wanted to refute: Mautner, "Grotius and the Skeptics." Another argument is that not mere self-preservation, but precisely the Ciceronian view of the Stoic *oikeiosis* lies behind Grotius' theory: Benjamin Straumann, "Oikeiosis and appetitus societatis: Hugo Grotius' Ciceronian argument for natural law and just war," *Grotiana (New Series)*, (24/25) 2003/4, pp. 41-66. More on Grotius as a neo-Stoic humanist: "[pact is] Grotius's answer to the reason of state theorists who argue that the profitable must be pursued *at the expense of* the just, or that the just *reduces to* the profitable," Anabel Brett, "Natural right and civil community: The civil philosophy of Hugo Grotius," *Historical Journal*, 45 (1), 2002, p. 40. For an interpretation of Grotius as Stoic and skeptic, Jon Miller "Stoics, Grotius and Spinoza." On Selden, J. P. Sommerville "John Selden, the Law of Nature, and the Origins of Government," *The Historical Journal*, 1984, p. 443 "Selden firmly rejected any hedonist moral theory, dismissing as 'plagues of the human race' those ancient philosophers who denied that anything was 'by nature or *per se* just or unjust' and who made human will and utility supreme." Sommerville used Selden, *De jure naturali*, London: 1640, p. 38. Selden in turn used Lactantius, *Divine Institutes*, (5.17), from which Selden also commented on Carneades in op.cit. p. 81.

tively rehashing old ideas on refuting natural law arguments in favour of utility-based theory (PW 165).

Taking into account these views on Thomas Hobbes, we are able to get a clearer understanding of the assumed equation of reason and interest. In the “Epistle Dedicatory” to the *Human Nature*, nowadays better known as the *Elements of Law Natural and Politic*, Hobbes had argued “that they who have written of justice and policy in general do all invade each other, and themselves, with contradiction.” This was because they relied on a dogmatic kind of learning, relying on earlier authority, thus causing “truth and the interest of men” to collide. Therefore everything could be disputed “because it compareth men, and meddleth with their right and profit; in which as oft as reason is against a man, so oft will a man be against reason.”⁴⁷⁷

Harrington quoted this line with insouciant recognition that it “is thought to be a shrewd saying, *but will do no harm*” (my italics).⁴⁷⁸ No harm to the ideas of classical political philosophy, as the disagreements of political authors do no harm to the ideal of right reason as such. And even if it was granted that political argumentation was fundamentally about individual interests, this did not need to lead to an incapability of writing about politics in the classical manner, since not all interests were alike or similar in value – “for be it so that reason is nothing but interest, there be divers interests, and so divers reasons.” The most important interest, or reason, is of course that of the common good: “There is a common right, law of nature, or interest of the whole, which is more excellent, and so acknowledged unto be by the agents

⁴⁷⁷ Thomas Hobbes, *Humane nature or, The fundamental elements of policie. Being a discoverie of the faculties, acts, and passions of the soul of man, from their original causes, according to such philosophical principles as are not commonly known or asserted*, London: 1650, sigs. A5-6.

⁴⁷⁸ This reference, “*And as often as reason is against a man, so often will a man be against reason*,” in *Oceana*, although noted in Liljegren’s edition, was missed by Pocock. The footnote notes only the italicization, “as if H had meant them to be read as a quotation” with “a Hobbesian flavour.” This omission is noted in Vickie Sullivan, *Machiavelli, Hobbes, and the Formation of a Liberal Republicanism in England*, Cambridge: 2004, p. 168, but Sullivan misses completely how Harrington does not simply “concur” with the quote.

themselves, than the right or interest of the parts only” (PW 171).⁴⁷⁹ That is, not just an amalgamation of purely self-interested individuals.

To back up this analysis Harrington included the following quote from Grotius: “*Wherfore tho it may be truly said that the creatures are naturally carry’d forth to their proper utility or profit, that ought not to be taken in too general a sense; seeing divers of them abstain from their own profit, either in regard of those of the same kind, or at least of their young*” (PW 171).⁴⁸⁰ This was the Stoic idea of *oikeiosis*, emphasizing the point that although self-interest is an acknowledged force in a society, it does not lead to the conclusion that society should only aim at utility and profit. Rather, even sociable individuals can pursue other than purely self-serving actions.

From this definition of law of nature and the excellence of public interest, Harrington continued to assert the essential aspect of mankind as beings partaking in reason, as they “must either be less just than the creature [brutes or savages], or acknowledge also his common interest to be common right.” With these Stoic definitions to back him up, Harrington could seemingly concede a point, while promoting his own - or to use the technical term, he performed a *concessio* - “if reason be nothing else but interest, and the interest of mankind be the right interest, then the reason of mankind must be right reason” (PW 171-2). No mathematics or calculation was required to recognise this kind of prudence.⁴⁸¹ Granted, Harrington’s explications left some ambiguity as to how abstaining from self-serving actions would serve one’s own interest. In later stages of this study we shall see how this theme was explicated (possibly even developed) more fully.

It was through the aforementioned means of appeal to *oikeiosis* that allowed Harrington to bring together a natural law conception of right

⁴⁷⁹ Timothy Dykstal has argued that “if, as Harrington insists, reason is ‘nothing but interest,’ there is no natural (or transcendent, or ‘right’) reason to contemplate or appeal to.” But as will be shown, Harrington did not insist. Timothy Dykstal, *The Luxury of Skepticism: Politics, Philosophy, and Dialogue in the English Public Sphere, 1660-1740*, Charlottesville: 2001, p. 19.

⁴⁸⁰ It is likely that Harrington made his own translation from the Latin original, since the the wording of the 1654 translation does not match.

⁴⁸¹ Scott, *Commonwealth principles*, p. 184.

reason with the ideal of popular government. Such a conception of authority would not fall prey to the claims that uneducated masses would not care for the common good, thus needing to be ruled by a technocracy. In order to shed more light on Harrington's conceptions, it is necessary to delve further into his understanding of authority and the parameters of popular government.

If beginning from the concept of authority, we have seen that despite the variety of views of the authors under study so far, the general tendency has been to equate authority with power. The few exceptions appear mainly in translations from Tacitus or are otherwise occasional. James Harrington made an exception by explicitly distinguishing between authority, and power or empire in *Oceana*. For Harrington, this distinction had been lost in time, and as part of his retrieval of "ancient prudence" he built much of his political theory around this concept of authority. To talk about just or unjust power or authority was beside the point, for power is amoral, and authority is by its very nature just in Harrington's theory. The distinction is worth quoting in full:

To the goods of the mind answers authority; to the goods of fortune, power or empire. Wherefore Leviathan, tho he be right where he says that *riches are power*, is mistaken where he says that *prudence, or the reputation of prudence, is power*: for the learning or prudence of a man is no more power than the learning or prudence of a book or author, which is properly authority. A learned writer may have authority tho he has no power; and a foolish magistrat may have power, tho he has otherwise no esteem or authority (PW 163).

Harrington defined authority through right reason, just laws and as "the heavenly treasures of virtue, and [the] influence of it upon government" (PW 169). Nevertheless, in saying that virtue, reason and law are conflated into authority Harrington does not mean that a monarch could rule in their name, as Harrington interpreted Hobbes' theory. Harrington gave the example of unfree Turks, who merely live under empire of laws – since the ruler could change them at his will – whereas the free people of Lucca prosper under authority of laws – since their consent is required (PW 170).

To fully understand Harrington's term for authority and power requires some elaboration about his use of the terms reason and consent as well. The reason behind authority could only come through reasoned debate between the most reasonable people, who make up a senate. In Harrington's model, the senate can be elected, since there is a natural deference to prefer the wiser to those less so, when any group of people choose their leaders (PW 172-3). Harrington did make an equation of noble birth with humanist merit, combining feudal and humanist ideas. Nevertheless, Harrington's complicated electoral procedures, which showed many affinities to Streater's ideas – especially in relation to the individualistic conception of liberty – showed that this deference was not to be based on force, but on individual judgement.

Harrington's conception of judgement explains also why the senate had authority, but not power. Granting also ultimate power to authority would lead to a disaster of government: instead of the common good, the senators would legislate according to their own factional interest only. Therefore the consent of the larger electorate was required for laws to be adopted. In this manner, the senate represents the authority of reason without power. The lower house represents the larger electorate and thus the main power (albeit with less reason) in the commonwealth, who have the final say. Thus, a "legislator that [could] unite in his government" authority and power "coms nearest to the work of God" (PW 169).

Harrington's understanding of the nature of authority is directly related to his view on the power and role of rhetoric. As rhetoric is persuasive but without physical power lacks coercive force, similarly the senate can give counsel to the greater part of the people but not directly command them: "the office of the senate is not to be commanders but counsellors of the people" (PW 173). Such beneficial counsel can take place in a republican framework with established rules and checks (on which shortly more), whereas in a monarchical context any public-spiritedness is lost: "counsellors of princes" being mere flatterers, "expedient-monsters" seeking favours, and untrustworthy "journeymen" (PW 258).

Harrington's conception of authority thus entailed the qualities of right reason, learning, etc. – so as we saw earlier, it meant in practice

the upper classes, just as for Milton. The crucial difference to Milton is that Harrington's conception does not focus on office-holding, but on the general quality of having authority. Since both power and authority can be had without holding office, Harrington ends up with a completely different view of office-holding from Milton. All of the offices in Harrington's utopia, *Oceana*, are filled by election. Harrington's main argument is thus that the key to the successful governance of a republic is the check of a popular vote.

But then again Harringtonian elections were quite different from those in use in England at the time,⁴⁸² which brings us to the issue of the institutions of popular government. Harrington presented several historical systems of voting – though not always accurately – to argue for the authority of his system of rotation of offices and voting. His version was ultimately based largely on the Venetian system of ballots, which, among other things, meant secret voting. Although electoral privacy has since become the norm, at the same time it is yet another contentious issue for republicanism as a theory of government. From classical authors to modern theorists, a persistent argument has been to point out that the purpose of elections is to make each individual vote for the choice they see as most conducive to the public interest, and there is less chance of this happening in secret voting.⁴⁸³ Yet Harrington argued for electoral privacy and secrecy precisely from his understanding of republican liberty:

The election or suffrage of the people is freest where it is made or given in such a manner that it can neither oblige nor disoblige another, or through fear of an enemy, or bashfulness towards a friend, impair a man's liberty (PW 181).

Harrington's argumentation shows great affinities with Streater in this very individualistic conception of liberty. In the case of voting, there

⁴⁸² In what follows, I have benefited greatly from Hubertus Buchstein, *Öffentliche und geheime Stimmabgabe. Eine ideengeschichtliche und wahlrechtshistorische Studie*, Baden-Baden: 2000.

⁴⁸³ A recent contribution is by Geoffrey Brennan and Philip Pettit, "Unveiling the Vote," *British Journal of Political Science*, 20:3 (July), 1990, pp. 311-333.

were to be no favours, coercion, intimidation, etc. to “impair a man’s liberty” (PW 180). Equally, before a vote of approval in the lower chamber of the parliament the 23rd order of *Oceana* declares “while a law is in promulgation the censors shall animadvert upon the senate, and the tribunes upon the people, that there be no laying of heads together, conventicles or canvassing to carry on or oppose anything,”⁴⁸⁴ based on the view that then “all may be done in a free and open way” (PW 281). Put simply, if the “suffrage be barefaced, I dare say you shall not have one fair cast in twenty” (PW 244). As befitted a classical republican, Harrington quoted from Cicero’s *Oratio pro Plancio* (6:16) how the secret voting was “a welcome constitution” to people of Rome, as it “increased the freedom of their judgment” (PW 180).⁴⁸⁵

The laws regulating the public debate need to be separated from Harrington’s views on the ideal of participatory citizen. Besides the 23rd order, others that have given grounds to think that Harrington did not share the republican ideal of participation are the 19th and 22nd orders. The first of these ordains the arrest and subsequent trial of “any person or persons” that “shall go about to introduce debate into any popular assembly” of the commonwealth (PW 251), and the latter depicts the deputies oath that “they will neither introduce, cause nor to their power suffer debate to be introduced into any popular assembly of this government” (PW 267). This has given rise to claims that in Harrington’s system citizens are to passively accept or refuse, without any chance for debating on public matters.⁴⁸⁶ As will be shown later, Harrington specifically discounted this claim in his later works, for now the focus is on the nature of authority.

We have thus far seen that Harrington expected participation

⁴⁸⁴ Also PW, pp. 335, 662, 674, 799, 816, 824, 843.

⁴⁸⁵ Although, neither this oration nor Cicero’s *The Laws* (*De Legibus*), that Harrington also used extensively, were quite so unequivocal about the benefits of secret voting.

⁴⁸⁶ Rahe, *Republics ancient and modern*, pp. 185-188. Gary Remer has argued along similar lines that Harrington wanted to restrict public debate, but as David Norbrook has pointed out, this is only the case if compared to ancient republics: “by the standards of seventeenth century England, popular participation in *Oceana* would still have been extensive.” Norbrook, *Writing the English Republic*, p. 368; Remer, “Harrington’s New Deliberative Rhetoric,” p. 536.

through voting and deliberation in the upper chamber; for his contemporaries the focus was more often on the negative aspects of participation. What argument did Harrington have against the claim that consensual authority through elections would lead to a race to the bottom as no one would care for the common good? As shown above, Harrington considered that in principle people could be allowed to give their consent through elections, resulting in what we would call legitimate authority. What could not be allowed was the use of such public, populist rhetoric that allowed for the rule of demagogues and the loss of calm deliberation. The rhetorical question was referred to in *Oceana* as: “what convenience is there for debate in a crowd, where there is nothing but jostling, treading upon one another and stirring of blood?” (PW 266).

Demagogues were purely self-interested men, harmful to the common good. Harrington’s depiction of demagoguery is in this respect traditional, although he did not depict it as an inherent and unavoidable feature of republican society. When referring to “the glib tongues of.. demagogues and grandees,” their knowledge of politics is questioned: “Is there one of them that yet knows what a commonwealth is?” They are depicted as paid hacks, “fiddlers that have disturbed your rest for your groat,” and as unvirtuous manipulators: the “cunning men” of Bacon, those “that are good in canvasses and factions, [yet] are otherwise weak men.”⁴⁸⁷ It was precisely those skilled in manipulation, who stood to gain most from open voting and unrestricted public speaking. Their profiteering can be stopped by “such a government in which these shall not dare to scrape, for fear of the statute” (PW 265).

Furthermore, Harrington argued that “you shall never find that [the people] have assumed debate [in the representative] for itself, but for something else.” Something else could be the actions of demagogues, against whom his orders could help, but in the face of fundamental injustice, the orders would be of no help whatsoever. Harrington was not so unrealistic as to assume that his system could stop debate altogether,⁴⁸⁸ but accepted that if “the common sort” were to be

⁴⁸⁷ Francis Bacon, “Of Cunning,” 22, *The Essaies*, Edinburgh: 1614.

⁴⁸⁸ Pocock, “Introduction,” *PWJH*.

“injured” by those in positions of authority, there was not much that “should hinder the people of Oceana, if they happen not to regard an oath from assuming debate, and making themselves as much an anarchy as those of Athens” (PW 268). Harrington fully expected his system to fail if the senate would go astray from the common good. Avoiding a civil war was yet another incentive for the senate to abstain from pursuing self-interested goals. Harrington’s choice of political system aimed at producing results that were beneficial not only to a simple majority, but acceptable to most everyone.

What is common in the aims of the orders is the individualistic concept of liberty: anyone accepting bribes would in effect sell their own liberty away, and open voting would only allow those skilled in manipulation, bribery or canvassing to exert dominion over others. The question is not about idealised participation, but of framing republican government in such a manner that authority can be consensual and liberty is not lost. A final consideration is whether the framing is too strict, in the sense that public peace is the most important consideration. The need for peace is of course often behind any attempts at restrictions to public speech and to rhetoric in general.

Firstly, we may consider how Harrington actually used rhetoric in his works. As is well known, most of *Oceana* is in the form of deliberative and forensic orations,⁴⁸⁹ and it contains speeches for and against suggested policies. In these, the proper use of ethos, pathos, and logos are reiterated, for example, in assessing the speech of the character named Philautus de Garbo: “Wherefore being a man both of good parts and esteem, his words wrought both upon men’s reason and passions” (PW 233).⁴⁹⁰ It can also be argued, that the use of rhetoric does not necessarily imply a positive view of oratory per se, as the works of Thomas Hobbes can show. But in Harrington’s case, there is reason to assume a

⁴⁸⁹ Smith, *Literature and Revolution*, p. 171.

⁴⁹⁰ Gary Remer has argued that Harrington’s “rational rhetoric” meant that debate could be free of emotions, and there were no ethical requirements set to the speakers. Yet, both ethos and pathos are effectively used by the debaters, and seemingly they are held none the worse for it. Remer, “Harrington’s New Deliberative Rhetoric,” pp. 532-35, 541, 552-56.

positive view, when considering the institutional context.

Outside popular tumults, political violence and such problems - which, even if abetted by demagogues' use of rhetoric, were not fundamentally caused by it - Harrington did not see conflicts of words as harmful: far from it. In *Oceana*, Harrington equates the usefulness of debate to the analogy of a commonwealth as a ship, as without opposition that "breathes" into "sails and stirs the waters," the ruler would be left "to flag in a perpetual calm." The analogy continues: "A ship maketh not her way so briskly as when she is handsomely brushed by the waves, and tumbles over those that seem to tumble against her" (PW 292). Thus, there are grounds to question many of the assumptions about Harrington as a modernist, Hobbesian social engineer, who was set against classical rhetoric and citizenship.

As we have seen, Harrington put much effort to arguing for well-ordered institutions to bring about order and harmony to the republic. These institutions were depicted with the help of astronomical allusions: orbs, spheres, galaxies etc., and Harrington relied strongly on celestial mechanics, cosmic harmony and order for a model in his political philosophy. Accordingly, the founder of *Oceana's* astronomical constitution, Lord Archon, felt "exultation in his spirit" when he "beheld not only the rapture of motion, but of joy and harmony, into which his spheres without any manner of obstruction or interfering, but as it had been naturally, were cast" (PW 342). This beautiful order mimicked the order of the universe, and Harrington's laws, not suspect to modification, were such as "to make a perfect and (for ought that in human prudence can be foreseen) an immortal commonwealth" (PW 210).

This use of astronomical imagery has also been interpreted as Hobbesian, rooting it in the framework of contemporary natural philosophy. This argument relies strongly on Harrington's purported abandonment of classical precursors. Yet neither the quest for order nor immortality necessarily signal a Hobbesian viewpoint, as Hobbes was far from being the first political theorist to advocate harmonious, immortal models of society. Furthermore, Hobbes's model was an artificial ma-

chine, whereas Harrington promoted a cosmological model.⁴⁹¹

An alternative source for Harrington's theory can be found in the works of Cicero. To give just a few examples: in *Cato Maior* Cicero gave the view that through "beholdyng & considering the orders of y^e celestial bodies, & waighing how duellie they obserue their courses and motions," humankind "might imitate and folow the same right order in the trades of their life and constancy"⁴⁹²; in *Tusculan Disputations* the mind of a "wise man," through contemplating "the motions and turninges of the whole worlde," can understand its divine nature "whereby, it is filled with insatiable ioy," and it is by the virtue of "the very thinking, of the power, & nature of the gods, [that] enflames our heartes, to folowe that eternitie."⁴⁹³

Similarly, Cicero's role can be seen in the reasons for opposing canvassing and public debate as infringements of political privacy that have already been mentioned, and, as in the case of cosmological imagery, a more modern conception (for example, of representation replacing participation) was not needed. Similarly, Cicero could also be relied on for supporting views against debate in a popular assembly, as it was "affirmed by Cicero in his *Oration for Flaccus*, that the commonwealths of Greece were all shaken or ruined by the intemperance of their *comi-*

⁴⁹¹ Thus, the argument in e.g. Scott, *England's Troubles*, p. 339, that Harrington's famous "in the art of man, being the imitation of nature which is the art of God, there is nothing so like the first call of beautiful order out of chaos and confusion as the architecture of a well-ordered commonwealth" (PW 341) is a paraphrase of Hobbes's beginning of *Leviathan* ("NATURE (the art whereby God hath made and governs the world) is by the art of man, as in many other things, so in this also imitated, that it can make an artificial animal" (Hobbes, *Leviathan*, p.1)) does not hold water in this respect. Rather, it is an imitation, or even a parody, to jibe at Hobbes – just as Harrington did at so many other points of *Oceana*, which will be shown in due course. Scott, "The rapture of motion," pp. 160-2; Scott, *England's Troubles*, pp. 328-33, 339-40; Scott, *Commonwealth principles*, pp. 30, 164-6, 181, 204. For other examples of the commonplace, see John Hall, "A Method of History,," p. 287.

⁴⁹² Cicero, *The Worthye Booke of Old age otherwyse entituled the elder Cato*, London: 1569, fol. 57v (21).

⁴⁹³ Cicero, *Those fyue questions, which Marke Tullye Cicero, disputed in his Manor of Tusculanum*, London: 1561, fols. 202-203 (5.24-25).

tia, or assemblies of the people” (PW 267, also 477).⁴⁹⁴ From the same oration Harrington could have also found more supporting arguments to his views on “the rashness of a multitude” and “the influence of a seditious speech in a public assembly.”⁴⁹⁵ And similarly to Harrington’s scheme for *Oceana*, in Cicero’s depiction of the Roman senators and people, the interests of the two are aligned to the common good to an extent where “there is no diversity of opinion, or of inclination, or of language.”⁴⁹⁶

Yet, to Harrington Cicero did generalise excessively when referring to the commonwealths of Greece, since “all the world knows he should have excepted Lacedaemon.” This was because in Sparta the popular assembly “had no power at all of debate,” and ensured that “that commonwealth stood longest and firmest of any other” (PW 267-8). Harrington took this version of Sparta for his own political model mainly from Plutarch, *Lives*, quoting the life of Lycurgus as “the senate shall propose unto the people and dismiss them, without suffering them to debate” (PW 211).

Nevertheless, Harrington’s reliance on this text should not be exaggerated either. Harrington’s system did not include improvements recorded in *Lycurgus*, such as the ephori. On the contrary, he saw the reforms of Theopompus and Polydorus as oligarchic exclusions, with the

⁴⁹⁴ “that ancient country, which once flourished with riches, and power, and glory, fell owing to that one evil, the immoderate liberty and licentiousness of the popular assemblies.” What precedes the quotation in question bears close resemblance to Harrington’s ideas on the proposal, promulgation and private debate: “For our ancestors, those wise and upright men, would not permit the public assembly to have any authority to make laws; they chose that whatever the common people decided, or whatever the burgesses wished to enact should be ordered or forbidden, after the assembly was adjourned, and after all the parts had been properly arranged, by the different ranks, classes, and ages, distributed in their tribes and centuries, after having listened to the advocates of the proposal on which the vote was to be taken, and after the proposal itself had been for many days before the people, and had had its merits inquired into. But all the republics of the Greeks are governed by the rashness of the assembly while sitting.” Cicero, “Oratio pro Flaccus” in *The Orations of Marcus Tullius Cicero*, London: 1856 (15-16).

⁴⁹⁵ Cicero, “Oratio pro Flaccus,” (57).

⁴⁹⁶ Cicero, “Oratio pro Flaccus,” (96).

result that “the people immediately became unquiet and resumed [the] debate” (PW 275). Similarly, although Harrington could read in Plutarch how the lack of trade and luxury kept “any fine curious Rethorician” from coming to Sparta “to teache them eloquence, & the cunning cast of lying,”⁴⁹⁷ he was openly sympathetic to trade and commerce.⁴⁹⁸ This adds credence to the view that he did not consider rhetoric per se as problematic.

The significant other to Sparta was the Athens of the Peloponnesian war (and here Harrington fully agreed with Cicero’s judgement on Greek commonwealths). Harrington quoted extensively from Hobbes’ translation of Thucydides, and used it to present the dangers of allowing debate in a popular assembly, which “was the destruction of Athens” (PW 266). Although there were other reasons behind the troubles of Athens, which will be dealt with later on, the main blame lay in the institutional deficiencies.⁴⁹⁹

When comparing Harrington’s presentation of Alcibiades to that of Nedham in 1650 in *Case of the Commonwealth*, there is a telling difference. Nedham was presenting Alcibiades as an example of a successful military commander, “who having done many services for the Athenian populacy, was only for a petty misfortune, and no other cause, in managing the war of Sicily called home and banished both from his command and country.” In 1650 Nedham presented Alcibiades’ fate as proof of the popular folly of the Levellers, as how “upon another turn of popular air” Alcibiades was “sent the second time into banishment

⁴⁹⁷ Plutarch, *The lives of the noble Grecians and Romanes*, Thomas North (transl.), London: 1579, p. 50.

⁴⁹⁸ Cromartie, “Harringtonian virtue,” pp. 999-1002.

⁴⁹⁹ Although Rome was a more positive example in general, its history could yield similar examples of the results of allowing debate in the popular assembly: “the Roman tribunes *qui fere semper regebantur a multitudine magis quam regebant* [this is from Livy, *The Early History of Rome*, 3.71: *ut fere semper reguntur a multitudine magis quam regunt*: as always, the servants rather than the masters of the mob] proposed not unto the result only, but unto the debate also of the people, who were therefore called unto the pulpits, where some vomited, and others drank, poison” (PW: 262-263).

by those levelers.”⁵⁰⁰ For Harrington, Alcibiades – the quintessential example of a self-serving, “vain-glorious” orator and military commander who had little interest in the common good – was “that ranting fellow” who “fell on demagoguing for the Sicilian war,” thus leading the city that had no protection against his kind into ruin (PW 268).⁵⁰¹

Harrington could have chosen to argue that Athens failed because of its excesses of democracy, and Sparta’s success was due to its more aristocratic government. Like many classical predecessors, he could have defined Sparta as a “laudable oligarchy, as it is termed by Isocrates,”⁵⁰² without losing his credentials in following classical political philosophy, “for that word is not, wherever you meet it, to be branded, seeing it is used also by Aristotle, Plutarch and others, sometimes in a good sense” (PW 263). Yet he chose to argue that his model of government represented the democratic, popular variety of republican government.

The theorist Harrington mainly chose to oppose for his use – and abuse – of classical precedents and forms of government was Thomas Hobbes. Harrington’s presentation of reason as interest has already been mentioned, but besides aligning Hobbes’ thinking to the parameters of classical political philosophy of *honestas et utilitas*, Harrington argued that a) Hobbes’ dismissal of classical commonwealths was unfounded, b) his use of classical sources was faulty and c) his professed anti-classicism was far from sincere.

In *Leviathan* (1.21), Hobbes had continued his attack on classical political philosophy by arguing that the emulation of ancient common-

⁵⁰⁰ Nedham, *Case of the Common-wealth*, p. 77.

⁵⁰¹ Obviously the perception of Alcibiades can be traced to differing accounts classical authors gave of him, but undoubtedly both Harrington and Nedham chose to favour some interpretations over others as they fitted their own schemes. For example, in 1646 John Hall used Alcibiades as an example of easily adjusting conversationalist: “since mens humours are so various as their faces, there is required a suppleness in behaviour (for men of morose natures, doe but in a manner stifle the vital parts of humane society) and this was excellent in Alcibiades, who could conforme to the constitutions of all those severall people his variety of fortune made him converse with.” John Hall, “Of Company,” *Horae Vacivae*, pp. 87-8.

⁵⁰² Pocock’s edition has “Socrates,” but the original (Chapman) edition of 1656, p. 151 shows Isocrates.

wealths was the prime cause behind the troubles of his time, against which would be needed “the antidote of solid reason,” i.e. political science as presented by himself. Harrington’s counter-attack on behalf of classical politics was to point out that Hobbes had admitted “the great prosperity of ancient commonwealths.” Some particular commonwealths were “less perfect in their policy than others,” and could thus show some signs of infirmity, but “the excellency of that kind of policy” that was the reason behind the prosperity of the ancient commonwealths “in general” should be emulated, not disparaged (PW 178).

Hobbes continued his attacks on classical learning in chapter 46 of *Leviathan* by asserting that from “Aristotle’s civil philosophy,”⁵⁰³ people could learn the style of rhetorical redescription where “all manner of Commonwealths but the popular (such as was at that time the state of Athens)” could be called “tyranny.” This redescription allowed “the aristocracy of the thirty governors” set up in Athens by Sparta to be called “the thirty tyrants.” For Harrington this was a senseless argument, since the thirty tyrants were “called tyrants by all authors.” Thus the only redescription was done by Hobbes himself “who will have them against all the world to have been an aristocracy” (PW 206).

The differences between Hobbes and Harrington show also in their views of Catiline, the archetype of the seditious demagogue in the Roman republic. For Hobbes, arguing after the *Catiline Conspiracy* of Sallust, Catiline “was author of the greatest sedition that ever was in Rome”⁵⁰⁴ and in “whom there never was a greater Artist in raising seditions.”⁵⁰⁵ But for Harrington, Catiline was an example of how the proper political arrangements could save Rome from ruin, despite the “intended mischief” (PW 199).

Finally, Harrington could point out how Hobbes, “though he seems to skew at antiquity,” was still relying on classical authors in his political philosophy. Quoting from *Leviathan* (2.18) Hobbes’ view that “covenants being but words and breath, have no power unto oblige, contain, con-

⁵⁰³ Probably the *Politics*.

⁵⁰⁴ Hobbes, *Elements of Law*, ch 28, sect 13.

⁵⁰⁵ Hobbes, *On the Citizen*, ch 12, sect. 12.

strain, or protect any man, but what they have from the public sword,” Harrington argued that in this Hobbes was “following his furious master Carneades” (PW 165). The source for this argument was from the Prolegomena to *De Jure Belli et Pacis* of Hugo Grotius, where numerous classical quotes were given for such might-makes-right views, of which “whom rather than Carneades” was the most proper advocate.⁵⁰⁶

On a final note on the classical roots in Harrington’s political theory, a few words are in order about his use of the word “demagogue.” Hobbes’ translation of the *Peloponnesian War* is the likeliest source, given the fact that Harrington used the book extensively, and for both Hobbes and Harrington the word denotes not only a leader of the people, but also specifically a leader through the use of oratory. But there are a few other Greek sources that can be added as sources to Harrington’s usage. Aristotle’s *Politics* (5.5) shows how the term developed its connotation with oratory. According to Aristotle, demagogues are the usual cause of revolutions in democracies. In the past they were military leaders, but concomitantly with the progress of rhetoric, they had become leaders through oratory.⁵⁰⁷ Although the *Politics* was also an important opus for Harrington, there is no direct quotation to this particular part. A more explicit source is the *Lives* of Plutarch. In the end of *Oceana* (PW 357), Harrington recited at length the story of Timoleon, referring to “Laphystius, an envious demagogue,” and “Demaenetus, another demagogue.” It is yet another ironic twist that Harrington used the profess- edly anti-humanist Hobbes’ translation of Thucydides approvingly and directly, but for Plutarch, he chose to use the Greek sources.⁵⁰⁸

⁵⁰⁶ As in Grotius, *The Illustrious Hugo Grotius of the Law of Warre and Peace with Annotations*, fol. *3. That quote was the one used to support Harrington’s views on the common good as presented earlier.

⁵⁰⁷ A 16th-century translation of the book translated the word as “guides and leaders of the people,” or “Captains” and “men of eloquence” as needed: *Aristotles Politiques, or Discourses of Government*, tr. Loys Le Roy, called Regius, London: 1598, pp. 273-4.

⁵⁰⁸ Thomas North’s translation (which was actually a translation from Jacques Amyot’s French version) referred to “accusers.. that continually made orations to the people.” The Greek version referred to demagogues as unavoidable sycophants in a democracy: πάση δημοκρατία συκοφάντην, ἐπεχείρησαν καὶ Τιμόλεοντι δύο τῶν δημαγωγῶν Λαφύστιος καὶ Δημαίνετος. Plutarch, *Ploutarchou bioi: Plutarchi*

We can now move on to another use of classical sources, that of *oratio* and *sermo*. As described in the introduction, early modern civil conversation has been sometimes needlessly conflated with earlier theories of conversation from Cicero onwards, and these problems are useful to bring to mind when deciphering the classical/modern division in Harrington's political theory. In *Oceana*, there was an explicit place for useful civil conversation: "the academy of the provosts." The given purpose of the academy was to "freely and affably" receive "all sorts of company that will repair thither for conversation or discourse, so it be upon the matter of government, news, or intelligence." Through the academy one could even make policy suggestions, which would "be argued or discoursed upon by the rest." Harrington allowed for those "not being able or willing to come in person" to leave an anonymous letter, where any advice they "judgeth may be for the good of the commonwealth" could be left for the academy (PW 252).

If looked from the perspective of content and uses of information gathered and discussed, the academy can be seen in a respectably republican light. It has been seen as a way to lower the threshold for a common citizen when approaching official institutions,⁵⁰⁹ and an institution characteristic of Harrington's "city-state view of the polity," bearing resemblance to similar bodies proposed earlier by Henry Robinson and Samuel Hartlib.⁵¹⁰ Nevertheless, if the composition and character of discussion in Harrington's academy are analysed, the similarities with these bodies end, and the purportedly democratic nature of the academy can be questioned.

vitae graece et latine, vol. I, Theodor Döhner (ed.), Paris: 1857, p. 303.

⁵⁰⁹ Charles Blitzer, *An Immortal Commonwealth. The Political Thought of James Harrington*, New Haven: 1960, p. 273; Davis, *Utopia and the ideal society*, p. 229.

⁵¹⁰ Pocock's note *Oceana*, p. 252; Samuel Hartlib, *A further Discoverie of The Office of Publick Adresse for Accomodations*, London: 1648; Henry Robinson, *The Office of Adresses and Encounters: where all people of each rancke and quality may receive direction and advice for the most cheap and speedy way of attaining whatsoever they can lawfully desire*, London: 1650. Additionally Scott, *Commonwealth principles*, p. 81 has argued for a similarity with the Office of Addresses with [Samuel Hartlib]: *A description of the famous Kingdome of Macaria*, London: 1641, but as there is no reference to such an office in *Macaria*, Scott probably meant the aforementioned book instead.

Harrington qualified his speakers on their social skills, starting from the reception at the academy when the people in question were to be “heard in the way of civil conversation, which is to be managed without any other awe or ceremony than is thereunto usually appertaining.” Similarly, the academy was to be administered in a manner that “may be most attractive unto men of parts and good affections unto the commonwealth,” as the main incentive was “the excellency of the conversation.” And as for the letters brought to the academy, they were to be read by either the provosts or “by the gentlemen of the academy” (PW 252).

With these caveats, Harrington could disqualify most of the people outside the gentlemanly elite, as the conventions of civil conversation and polite behaviour could not easily be expected from anyone outside the elite.⁵¹¹ Harrington called the academy “the affability of the commonwealth,” but rather than denoting it as easily approachable by anyone, it seems a definition more telling of the expected gentlemanly atmosphere inside (PW 252). Bearing in mind the character of Harrington’s meritocracy as it was brought up in the previous chapter on education, it is difficult to see how the academy could include anything but gentlemen.

As for the character of discussion, the nobility would discuss things very differently in the academy, than they would in the senate of Oceana. In comparison with the ideals of classical rhetoric, civil conversation in the academy is not to involve the outspoken, emotional deliberation of opposing views.⁵¹² Later in *Oceana*, Harrington added a qualification to this effect within a quote from Francis Bacon, as to how councils ““are at this day in most places but familiar meetings’ (some-what like the academy of provosts) ‘where matters are rather talked on than debated’” (PW 266).⁵¹³ Altogether, Harrington’s civil conversation seems to share many of the aspects commonly seen to belong to polite, complaisant, ritualistic, deferring, non-provocative civil conversation by men of quality, manners and proper background. This is made even

⁵¹¹ Bryson, *From courtesy to civility*, pp. 171-181.

⁵¹² Remer, “Harrington’s New Deliberative Rhetoric,” p. 538-539.

⁵¹³ Bacon, “Of Councel,” 20, *Essaies*.

clearer in his later works, when he made an added qualification for similar academies that they “be governed according unto the rules of good breeding or civil conversation.”⁵¹⁴

Yet the courteous character of the academy should not be exaggerated either. There is a strand in early modern republicanism, according to which some of the developments in heightened civility were not necessarily worthwhile. Harrington shared in these worries about the contemporary fashions in conversation, which would shy away from important matters in favour of idle talk: “conversation in these days is a game, at which they are best provided that have light gold.” This avoidance of contentious issues was often associated with its emasculating effects, as when comparing conversation to “the sport of women that make flowers of straws, which must be stuck up but may not be touched” (PW 339). Against this trend, Harrington’s academy was to promote interest in politics despite its polite ways, and the “gallants” of Oceana would be “showing themselves not more unto the ladies at their balls, than unto your commonwealth at her academy” (PW 310).

There was also another side to conversation: plain talk. As in the case of counsel, one argument against the use of rhetoric in politics was to promote plain-talking, honest conversation as a method of parliamentary debate. In *Oceana*, the tellingly named character of Epimonus de Garrula presented such a view, claiming that “in [the lower house of] the parliament of Oceana you had no balls nor dancing, but sober conversation.” In Epimonus’ view this kind of conversation in the parliament was much superior to the ideal debate of classical deliberative rhetoric, as it “flowed forth into language that.. is far better than Tully’s; or, let anybody but translate one of his orations and speak it in the house, and see if everybody do not laugh at him.” Epimonus’ speech is in context of the aforementioned secret voting in parliament: his claim

⁵¹⁴ *Brief Directions*, (self-date Novemb. 13. 1658, but printed in 1659), PW 594, as well in *Art of Lawgiving*, (1659 no date), PW 671, and *Rota* (1660 Jan 9), PW 814. The whole title of *Rota* includes a telling qualification, as it was “a model of a free-state, or equall common-wealth: once proposed and debated in brief, and to be again more at large proposed to, and debated by *a free and open society of ingenious gentlemen*” (my italics).

was that no secrecy was needed since the debate was conducted as “sober conversation; a man might know and be known, shew his parts, and improve ’em” (PW 242).

However, the reasons given for secret voting applied also to purportedly plain speaking, since the danger of feigned frankness remained in the “sober conversation.” No matter how plainly one would put the anti-rhetorical argument for open truth, the doubt remains of it being just a rhetorical ploy to obstruct the interests of others.⁵¹⁵ Accordingly, Lord Archon counters Epinomus by suggesting that “is it not a strange thing that [the ballot boxes] should be thrown first into the fire by a fair gamester?” The sober conversation of Epimonus is a sham, as differing interests will always permeate the debate and open voting. It was precisely those skilled in manipulation who stood to gain most from open voting. It made sense for them to feign frankness and plain talk. And even more importantly, in the end it did not even matter whether the anti-rhetorical argument for open truth was made honestly or not, since the dangers involved were not removed. In voting as in conversation, there would always be those “that are not able to withstand the brow of an enemy, and others that make nothing of this, are less proof against that of a friend” (PW 244). Debate without interests was an oxymoron, so it was best to accept the omnipresence of rhetoric, and regulate it to the most beneficial effects it could undoubtedly bring: eloquence in the senate, private discourses by the parliamentarians, civil conversation in the academy.

Finally, we can consider Harrington’s view on the relationship between law and education. If starting from a dichotomy of law and education as preferences for a well-ordered society, a first look at Harrington’s place in such a scheme would seem paradoxical. He could be placed in the legalistic camp with Machiavelli,⁵¹⁶ as pertains to his view that “great virtue” cannot exist “without the best education, and best education without the best laws” (PW 178). Yet he also quoted from Cicero

⁵¹⁵ Richards, *Rhetoric and Courtliness*, p. 5.

⁵¹⁶ Niccolo Machiavelli, *Machiavels Discourses. upon the first Decade of T. Livius*, London: 1636, 1.4: “good examples result from good education, good education from good laws.”

and Tacitus in order to argue that “the best rule as to your laws in general is that they be few” (PW 187). As for education, Harrington quoted approvingly Isocrates’ view on the Athenians, who “write not their laws upon dead walls, nor content themselves with having ordained punishments for crimes, but provide in such a way, by the education of their youth, that there be no crimes for punishment” (PW 299).

My argument is that Harrington chose both education and laws. In his view they were neither mutually exclusive approaches, nor individually sufficient. The point was to distinguish their proper fields of application: what law alone should govern, and where to rely on education. This dichotomy is evident in Harrington’s qualification for the aforementioned views on Athenians, as Isocrates spoke “of those laws which regarded *manners*, not of those orders which concerned the *administration of the commonwealth*” (PW 299, my italics).

As pertains to the laws and procedures of government, Harrington belonged to the legalistic camp. Oceana was “the empire of laws, and not of men” (PW 161). If laws did not guide administration, it was left open to abuse by those unguided by virtue. It was “the maxim of a legislator” to rely on orders, whereas urging to trust individuals instead of written law was “the maxim of a demagogue” (PW 205). This meant also that laws should be as few as possible, but not any fewer. Harrington argued that “if you will have fewer orders in a commonwealth, you will have more.” This presumably refers to any ambiguity in, or dead zones of legislation, which would give an added opportunity to demagogues, “the end whereof is to have no order at all” (PW 337).

Legislation should thus be of an optimal amount, but in addition, it should also be of a high quality. In this Harrington disagreed with Machiavelli, who Harrington read as arguing that virtuous customs could keep corruption away even in the face of bad legislation. For Harrington, Machiavelli “understood not a commonwealth as to the whole piece,” since a pernicious rule of procedure, such as allowing debate between the proposers of legislation and the voters, would have pernicious effects by its very nature. An order with bad results was simply a bad order, notwithstanding any mitigation through customs (PW 321-22).

In return, administrative orders could have effects on the customs. Harrington argued that the “uprightness which was in Lacedaemon” resulted from “being set straight” by Lycurgus, whose arrangements brought “the manners of her citizens unto its rule” (*Oceana*, p. 207). Conversely, Athens was an example of how a bad constitution could bring out the worst in citizens. It is to be noted that while Harrington referred in this context to the “ill education” of Athenians, he did not refer to education of manners, but to how their customs had degenerated due to their faulty constitution. This is apparent from the fact that his allusions to Xenophon and Polybius⁵¹⁷ both deal with the faults of the Athenian constitution (PW 279), he later explained specifically that the type of education Isocrates referred to was of a different kind, “lest you should think he contradicts Xenophon and Polybius” (PW 299), and Harrington had a very positive view of the level of learning ancient Athens represented (PW 305).

Despite the stress on administrative orders Harrington did not go as far as to suggest that the wellbeing of a commonwealth could be left solely to them. For Harrington “the laws of a government, how wholesome soever in themselves,” would not alone insure public order. Uninformed citizens could still rebel against laws, when “men by a congruity in their education be not bred to find a relish in them.” Shaping minds through education, “the Plastick art of government,” was as important as the administrative orders, in the sense that neither could be left to the whims of individuals: “education of a mans Children is not wholly to be committed or trusted unto himself” (PW 299). On a practical level, this Isocratic aim of having “no crimes for punishment” was to be achieved by epideictic oratory as well as schooling.

For schooling, Harrington promoted an education that relied on classical, humanist and republican upbringing. His approval of Athenian learning has been mentioned, and he had a similarly positive view of Romans, “by whose means we are as it were of beasts become men” and could become “a wise and a great people” (PW 192). He used Rome also as an example of how education into republican virtues was

⁵¹⁷ Polybius, *Histories*, 6.44; (Pseudo-)Xenophon, *Athenian Constitution*.

so much more preferable to being “bred under a monarchy,” that even those who politically preferred monarchy, would not “prefer the education of the sons of Brutus before that of Scipio” (PW 299).

Besides the inherently attractive qualities of such an education, the avowed goal of Harrington’s schools was the same as for humanistic learning in general: preparation for public service.⁵¹⁸ Since the workings of Harrington’s political system were based on classical political theory, “knowledge of ancient prudence,” it was necessary to gain such knowledge through learning. This learning was to be had from “schools of good literature,” namely “such as we call universities.” Harrington promoted a school of politics, or as his sales-pitch went, “if you would have your children to be statesmen, let them drink by all means of these fountains [the universities]” (PW 305-6).⁵¹⁹

Fundamentally the rule of learning and merit was equated with aristocratic rule in the senate and magistracy. For Harrington there was “something in the making of a commonwealth, then in the governing of her” that “seems to be peculiar unto the genius of a gentleman” (PW 183). To prove this assertion, Harrington argued from historical examples that all founders of republics were first and foremost gentlemen. They needed to be learned as well, like Lycurgus: “if he had not been learned in all the learning of Crete, and well travelled in the knowledge of other governments, he had never made his commonwealth” (PW 305). But it was just as significant that he “was of the royal blood.” An exception to the rule on nobility was Moses, but he “had his education by the daughter of Pharaoh,” which would seem to have made him a gentleman by adoption (PW 183).

⁵¹⁸ Although this is nearly a commonplace in current scholarship, I have benefited from Anthony Grafton & Lisa Jardine, *From humanism to the humanities: education and the liberal arts in fifteenth- and sixteenth-century Europe*, Cambridge, Mass.: 1988.

⁵¹⁹ This is likely yet another jibe at Hobbes, who in the Conclusion of *Leviathan*, p. 395, had proposed that “the Universities are the Fountains of Civill, and Morall Doctrine, from whence the Preachers, and the Gentry, drawing such water as they find, use to sprinkle the same (both from the Pulpit, and in their Conversation) upon the People, there ought certainly to be great care taken, to have it pure, both from the Venime of Heathen Politicians, and from the Incantation of Deceiving Spirits.” I owe this point to Richard Serjeantson.

Besides the argument from history, Harrington used the argument common to grant applicants everywhere: "To be learned requires leisure and income." This proviso allowed the exclusion of the lower masses, as the idea "that the people can have leisure to study, is a vain imagination" (PW 257). Likewise, the liberal professions, "divines, lawyers" could be left out, since albeit their learning, their income was from work that left them no leisure (PW 258). At least, not in the same way as those whose income came from landed wealth. Through these (and few other) caveats, Harrington could point out the caretakers of "the superstructures of [popular] government" (PW 257). It was the nobility, who "have nothing else but their education and their leisure for the public, furnished by their ease and competent riches, and their intrinsic value" (PW 261).

These qualities of the nobles gave them the skill, as well as the responsibility for the other aspect of education, epideictic oratory. Through "the senate, a main part of whose office it is to teach and instruct the people," the people, who were represented in the prerogative assembly – i.e., the lower house – were treated with an oration "by some knight or magistrate of the senate, to be chosen out of the ablest men" every Tuesday. The content of the orations was a repetition of "the orders of the commonwealth with all possible brevity," followed by further elaboration "of one, or some part of it" (PW 283).

The aim of such instruction was to raise awareness of "the treasures of the politics," in order to prevent sedition rising from misconceptions – "disturb[ing] your government with whimsies, and freaks of mother-wit" – and to prevent any backtracking into the world of *arcana imperii*, having the people "to be stutter'd⁵²⁰ out of their liberties." In this respect, basic knowledge of the political processes was more imperative than simple virtue, since "this commonwealth is the estate of the people; and a man, you know, though he be virtuous, yet if he does not

⁵²⁰ In reading "stuttered" instead of "fluttered" (as suggested by Pocock), I have followed the usage of David Norbrook, who suggests that Harrington's choice of words is characteristic of republican theory, which associated "absolutism with the erosion of confidence in public speech." It is also the actual spelling. Norbrook, *Writing the English Republic*, p. 416.

understand his estate, may run out or be cheated of it" (PW 283).

As can be seen, the expectations of the epideictic orations were quite high, which is indicative of the trust Harrington had in the power of rhetoric. Of course, these orations were neither dialogue nor political rhetoric, and even Thomas Hobbes deemed it worthwhile to give instruction to subjects.⁵²¹ The difference is in the republican goals, and view of the audience. Harrington took the view "of Cicero by Machiavel,"⁵²² that the people, notwithstanding their intellectual deficiencies, "if they be shown truth, they not only acknowledge and embrace it very suddenly, but are the most constant and faithful guardians and conservators of it" (PW 284).

Just before the above quotation from Cicero, Machiavelli qualified his view on the orator who could have such an effect in demonstrating to the people their erroneous ways, as being a "good man."⁵²³ This accords well with classical rhetorical theory as represented by Cicero and Quintilian, to whom the qualities of an orator included necessarily high morals: a good orator had to be a good man. But Harrington did not explicitly insist on this, or other moral or rhetorical criteria, for his debaters and orators, which has been interpreted as a sign of his reinterpretation of rhetorical theory.⁵²⁴

Nevertheless, if, for example, Cicero's moral requisites are viewed in the light of his admiration for the correlation between nobility and intellectual, political and martial skills, Cicero could be seen even as a predecessor to Harrington's views.⁵²⁵ Furthermore, if the education – which should be seen as governed by laws concerning morals in the Isocratic manner – of Harrington's citizens is considered alongside their assumed intrinsic qualities, the most plausible conclusion is that Harrington viewed the ideal citizens as orators with high morals.

As for the absence of explicit rhetorical criteria for senators, outside

⁵²¹ Hobbes, *Leviathan*, 2.30.

⁵²² Machiavelli, *Discourses*, 1.4

⁵²³ Machiavelli, *Discourses*, 1.4: "qualche uomo da bene, che, orando, dimostri loro come ei s'ingannano."

⁵²⁴ Remer, "Harrington's New Deliberative Rhetoric," pp. 547, 556.

⁵²⁵ Bryson, *From courtesy to civility*, p. 145.

what can be assumed from their humanistic education, it should be noted that one of the purposes of the Tuesday lectures was precisely to “teach your senators elocution.” In his defence of rhetoric, Harrington was consistent to his Aristotelian view that rhetoric, even if it could be used for ill, could also be used for good cause. Neglecting the art would give the upper hand, and thus an undeserved victory to enemies skilled in rhetoric:

Elocution is of great use unto your Senators; for if they do not understand rhetoric (giving it at this time for granted that the art were not otherwise good), and come to treat with or vindicate the cause of the commonwealth against some other nation that is good at it, the advantage will be subject to remain upon the merit of the art, and not upon the merit of the cause. (PW 286)

To sum up, Harrington’s political theory relies much on the presence of classical rhetoric in service of the republic, but his republican views on popular authority, liberty and reason – somewhat counter-intuitively in comparison to other writers under study – resulted in a restricted sphere for public speech. This, as in the case of Milton, goes to show that the combination of individual rights, popular government and rule of law was not straightforward, especially when mixed with a strong notion of liberty as non-domination.

PART V Protectorate 1657-1660

11. Reception of *Oceana* – Nedham in 1657

Unsurprisingly, the republican arguments of *Oceana* did not meet with overall approval from the royalist writers, but in republican circles the reception of *Oceana* was also mixed. We can surmise that Streater was not diametrically opposed to the arguments, having been one of the publishers. John Hall was an ex-writer already, but Nedham did have some critical points to make in a set of editorials to *Mercurius Politicus* (March-April 1657) that he began “From *Utopia*” and “From *Oceana*” (hereinafter Letters).⁵²⁶

The publication of *Excellencie of a Free-State* had not irreparably damaged Nedham’s career, even though the composition of, and the political influence of Cromwell on, the second Protectorate parliament was far from hospitable to republican ideas. Nevertheless, from Nedham’s editorials we may easily see that his earlier overt criticism of high authorities had much lessened. In the case of the Parliament, the general drift was towards more authoritarian forms of government: the February of 1657 saw the presentation of the Humble Petition and Advice, a constitutional draft suggesting that Cromwell be the first king of a new hereditary monarchy. It has been suggested that Nedham’s writings paralleled these developments: he first presented pro-monarchical arguments and distanced himself from them as soon as Cromwell himself declined the crown offered to him.⁵²⁷ An earlier scholar went as far as

⁵²⁶ Marchamont Nedham, *Mercurius Politicus*, (352-356), March-April 1657, pp. 7641-7720.

⁵²⁷ Peacey, *Politicians and Pamphleteers*, pp. 292-93; and “Nibbling at Leviathan,” pp.

to suggest that the editorials “were obviously intended to prepare the public mind for the restoration of kingship.”⁵²⁸

However, Nedham’s editorials do not lend themselves easily to such an unambiguous reading of his intention. A contemporary reader, John Pell, claimed that Nedham “spoke so darkly that no man can possibly have found out what it was.”⁵²⁹ Some scholars have chosen to abstain from interpretation, merely acknowledging the “trenchant irony in the series of witty articles”⁵³⁰ or concluding that Nedham was “copping out,”⁵³¹ or “retreating from an awkward position” that the *Excellency of the Free State* put him in, without considering what exactly was the position taken in the Letters.⁵³² Despite the pervasive irony, parody and ambiguity in the Letters, a few scholars have argued that Nedham did intend some of the things written, such as “anti-formalism” and the “adaptability” of constitutions and forms of government,⁵³³ and advocating “pragmatism rather than utopianism regarding governmental forms.”⁵³⁴

However, it is difficult to easily accept any anti-formalist reading of the Letters when keeping in mind the context. When Nedham argued how “for these seven years last past,” the mirror-image of England,

255-56; Worden, *Literature and Politics*, pp. 316-17.

⁵²⁸ Willbur Cortez Abbott, *The writings and speeches of Oliver Cromwell*, vol. 4, Harvard: 1937, p. 431.

⁵²⁹ Quoted in Peacey, *Politicians and Pamphleteers*, p. 292.

⁵³⁰ Barbara K. Lewalski, *Life of Milton: a critical biography*, Blackwell: 2002, p. 341.

⁵³¹ John Pocock, “James Harrington and the Good Old Cause: a study of the ideological context of his writings,” *The Journal of British Studies*, 10(1), 1970, pp. 30-48.

⁵³² Pocock, “Introduction” (PW 13-14).

⁵³³ Scott, *Commonwealth Principles*, p. 131; Jonathan Scott, “Classical republicanism in seventeenth century England and the Netherlands,” in *Republicanism: a shared European heritage. Vol. I. Republicanism and constitutionalism in early modern Europe*, eds. Martin van Gelderen, Quentin Skinner, Cambridge: 2002, p. 65 (quoting Letters 7675).

⁵³⁴ Peacey, *Politicians and Pamphleteers*, p. 292. Peacey did acknowledge the “ambiguous” tone of the texts, an acknowledgment which is lacking in “Nibbling at Leviathan,” pp. 255-56.

"*Utopia* hath been sorely afflicted with an infectious Itch of scribbling political discourses," i.e. disputes about "Government.. about Notions, Forms, and Shadows," it should not be overlooked that on the preceding page he had also asserted how it is "a sure Maxim of State, *To live in Jest, and never to be in Earnest, except it be in order to die.*" It would be highly inconsistent to take only some of Nedham's claims at face value without keeping in mind his starting point to the reader: "you are thereupon to understand, throughout the whole Course of my Correspondence with you, that whatever I write is no further in earnest than you please to make it so."⁵³⁵

Paradoxically, Nedham's admitted irony is an aid to interpretation in the sense that much of the logic of political reasoning given in the Letters does make more sense, if assumed to be nonsense. Nedham could claim that the Utopians, "in order to the more secure enjoying of.. Freedom," gave up their "private Right for the public convenience," since "the Rules and Reasons of Government cannot be always the same," and "no certain Form can be prescribed at all times." On the same page, he finishes by describing "a free State" to be "in every form, where Men are put into the way of a free enjoyment and security of their Rights." In this context of both having and not having a form, rights and free state, Nedham adds that "a Free State may be.. that which Men call Monarchy."⁵³⁶ In a similar vein, in the next Letter Nedham told a tale of how the Utopians at first had difficulty accepting that "*the Wisdome of the Senate, is the Wisdome of the whole people, and contrary Opinion (whatever the pretence be) is adjudged Faction,*" but they then "made a shift to see the Truth of all, That men are as Free every jot under a Right Principality, as under a Popular Forme." Thus, they "began to hate Faction grounded upon Forms and Notions, and became Fitter to live under a Prince in time to come."⁵³⁷

The difficulty of ascertaining whether Nedham is being ironically negative, or seriously positive in his descriptions, causes understandable problems in finding unambiguous intentions in the Letters. Arguably,

⁵³⁵ MP, 352, pp. 7642-3.

⁵³⁶ MP, 354, p. 7675.

⁵³⁷ MP, 355, pp. 7690-1.

due to the expressly ironic unwillingness to make clear claims in the Letters, the result is that most interpretations of them can be both contested and asserted. Yet before giving in to discombobulation, there are three steps that can help to understand Nedham's intentions to a greater extent than just referring to their ironic nature, or using disjointed quotes to prove a previously chosen argument. The first is Nedham's early reference to "Lucians Philosophers" in the Letters⁵³⁸: it serves to remind us how his work belongs to the Lucianic tradition of *serio ludere*, as attested also by Nedham's nom de plume, "*Joco-serio*."⁵³⁹ Obviously the problem remains to discern what is meant seriously and what not, but the evidence of a serious point makes for a more worthwhile search for it, than would be the case in a completely frivolous text.⁵⁴⁰

The next step is to see what could be deduced of Nedham's intentions through his choice of this genre – why did Nedham set himself up so as not to be taken seriously? One possibility is that he was presenting a veiled critique of the suppressive mood of politics: drollery becomes the only possibility when anything more serious was costly. Thomas More was a case in point, when slipping from his principle of drolling, "by being but once in his daies in earnest," it resulted in "a sad example to such as shall venture to be in earnest, among the great *Politicoes* of the captious World."⁵⁴¹ Accordingly, the Letters describe as "the Fundamentall Law of *Utopia*" to never be in earnest or "appear in print so profound and serious Projectors" of political writings.⁵⁴² Whether we should also read into the fundamental law a normative intent against free speech, is a question to which we shall return shortly, but for now we must ask where did Nedham place himself in such an oppressive setting.

Hitherto scholars have argued that in the interests of his own surviv-

⁵³⁸ MP, 352, p. 7643, referring most likely to *A feast of Lapithae*.

⁵³⁹ MP, 355, p. 7692. Also given in 352, p. 7642 as Thomas More's motto, "*Betwixt Jest and Earnest*."

⁵⁴⁰ A possible interpretation as well, but surely there would have been less elaborate ways of writing such a text than the Letters.

⁵⁴¹ MP, 352, p. 7632.

⁵⁴² MP, 352, p. 7633.

al Nedham aimed in his editorials to set himself apart from Harrington and other writers of political theory. However, this is unlikely, since Nedham included himself among such authors, when referring to “a jolly Crew of the Inhabitants of the Island of *Oceana*,” that had recently landed in Utopia. Among this crew was “that wondrous wise Republican called *Mercurius Politicus* (who served up the Politicks in Sippets).”⁵⁴³ It has been suggested that this is a reference to someone else from whom Nedham was distancing himself:⁵⁴⁴ for example, to John Streater, of whose *Observations* it was an “apt description.”⁵⁴⁵ Such a solution is superfluous, since the description is just as fitting to Nedham and his editorials.

Furthermore, in the next editorial Nedham referred to the cures given to “the Mangie Scriblers of the Politicks,” who “may all have Unguent for the Itch, except *Mercurius Politicus*.” This was because he “gave over in time, and now for *Drolling* deserves to be condemned to the perpetuall drudgerie of a Pamphlet.”⁵⁴⁶ The penance is of course fairly supercilious, if the ‘punishment’ prescribed was to keep on working as before. What Nedham was presenting was a self-serving argument similar to that in *Certain Considerations*: it was better to counter than to forcibly suppress the political bickering. For Utopia, this meant retaining “a *State Droll* in pension, as a most necessary Officer, to Correct all that presume to Print or Dispute about Models of Government.” Thus, “the little Wits of the City, being duly Lasht, are kept from Lashing out.”⁵⁴⁷ Despite his earlier forays into the same disputes, Nedham could undoubtedly be persuaded to serve in such a duty for Cromwell.

We have thus seen that Nedham was not so much denouncing his former positions as standing by them, while attempting to maneuver himself into a more favourable position. The last step is then to see whether the same applies for the political content of Letters: do they show similarities in respect to Nedham’s other political arguments that

⁵⁴³ MP, 352, p. 7644.

⁵⁴⁴ Peacey, *Politicians and Pamphleteers*, p. 292.

⁵⁴⁵ Worden, *Literature and Politics*, p. 316.

⁵⁴⁶ MP, 353, p. 7659.

⁵⁴⁷ MP, 355, p. 7690.

he seemed to have held true to over his career. As mentioned, proposed arguments such as the promotion of monarchy are not clear and evident in view of the explicit drollery of the text, but what should also be considered is whether there was even a giant leap in Nedham's political philosophy to begin with. As seen in earlier chapters, Nedham's brand of republicanism was not very populist to begin with, and one seeks in vain in the Letters for any arguments on behalf of popular participation. At the same time republicanism was not attacked either, so the Letters do not represent a total turn in favour of monarchy either.

Concerning what criticism can be found in the text, there is much that follows the republican tradition. Nedham mocked the mistaken "notion of *Liberty*" advocated by Levellers and others, who "thought it lay in having no land-Lord, no *Law*, no *Religion*, save his own Phantsie." This 'negative liberty' was, of course, simply licence: "it being then understood, that this only is perfect Liberty, where none obey, all command, & every one doth what he list." In such conditions, there was "no Free State then." And accordingly, as follows the usual republican critique of licentious regimes, "the People ran out into endless Factions."⁵⁴⁸ As seen earlier, these arguments for true liberty and against factionalism were commonplace for Nedham as well as other republican writers – and that included James Harrington. It should therefore come as no surprise that the only political critique of *Oceana* in the Letters concerns the trust placed on voting as a viable mechanism for choosing decision-makers. Nedham's dismissal – "a High-Constable is a Prime officer of State" in *Oceana*, "if he Ken the Knack of Balloting" – was perfectly in keeping with his earlier arguments against more democratic elections.⁵⁴⁹

We have thus seen that from what we can decipher through the sediments of irony and obfuscation in the Letters, in the end they do fit into Nedham's general preferences for republicanism: wariness about arbitrary control of public speech, but with little admiration for what he considered 'little wits' or foolish visionaries. This last point deserves some further reflection, since it seems to me a better solution to inter-

⁵⁴⁸ MP, 354, p. 7674.

⁵⁴⁹ MP, 356, p. 7706.

preting the intention of the Letters than the anti-formalism mentioned earlier. It has been argued that the English revolution was “explicitly anti-formal”⁵⁵⁰ from the perspective of religion. This claim has been further extended to political theory as well, where anti-formalism has been seen as “animating” republicanism.⁵⁵¹ It can be questioned whether that argument is logically valid, if the assumption is simply that what happens in the religious theory shows inevitably in political as well. Nevertheless, that question need not detain us, since as pertains to Nedham, we can see that the claim does not apply.

While Nedham was undoubtedly pragmatic in his personal politics as well as in his writings, the importance given to the anti-formalist argument rests on somewhat faulty grounds. If the argument rests on Nedham’s explicit statements in the Letters, the failure is to take account of the drollery, and conversely, if drollery is accepted, the argument relies on an excessively convoluted reasoning. To prove the point, consider how in the last Letter, Nedham finished his editorials by saying that he was done with Harrington “and all the Builders of Castles in the aire.”⁵⁵² Now, in the first Letter when Nedham listed such – supposedly formalist – visionaries, he included Henry Vane, who is nevertheless considered one of the main representatives of anti-formalism alongside Nedham.⁵⁵³ Something has got to give, and in the end, much of what Nedham argued against ‘formal’ political theory – if such a thing is assumed to be applicable to seventeenth century political writings – can easily be explained through the aforementioned ridiculing of factionalism, and of visionary and pretentious philosophers in the Lucianic mode.

Nedham discontinued the Letters in April, at the same time as Cromwell did not accept the crown offered by the Parliament. It is

⁵⁵⁰ J.C. Davis, “Against Formality: One Aspect of the English Revolution,” *Transactions of the Royal Historical Society*, 6.3, 1993, pp. 265-288.

⁵⁵¹ Scott, “Classical republicanism in seventeenth century England and the Netherlands,” p. 64.

⁵⁵² MP, 356, p. 7706.

⁵⁵³ MP, 352, p. 7644. Scott, “Classical republicanism in seventeenth century England and the Netherlands,” p. 65.

plausible that Cromwell's ambivalence had an effect on Nedham's decision, since whether we read the Letters as promoting or resisting kingship, either approach had been made less topical by Cromwell's foot-dragging over the matter. In any case, Nedham kept his post and soon returned to his forte of hounding the opponents of Cromwell. In July 1657 he proceeded to attack John Goodwin, a Cambridge-educated divine of renowned literary skills.⁵⁵⁴ *The Great Accuser cast down* gives a particularly interesting insight into Nedham's approach to rhetoric. As Cromwell's main press agent, Nedham could have simply restricted himself to attacking Goodwin's politics, his opposition to Cromwell only, yet Nedham's chosen method of damaging Goodwin politically was to attack his oratory.

In Goodwin's writing "the gauderies of a little rambling Rhetorick will not serve to dress out such a discourse."⁵⁵⁵ To Nedham, Goodwin could only show "a few flashie strains of Oratory to amuse the Reader,"⁵⁵⁶ and his "knicking and knocking.. with such kind of Knacks and Play-games as make a ratling noise in Rhetorick, to please childish fancie."⁵⁵⁷ Goodwin's arguments were "contemptible, by reason of a certain Figure called *Αντικαταχρεσις* much used by Mr. Goodwin in his way of Rhetorising."⁵⁵⁸ Instead of an orator, Goodwin was "like a Conjurer.. fain to cast a Figure to make it appear so," using "Figurative and Tropical expressions."⁵⁵⁹ Goodwin was "a cunning man" who could "gather grapes off Thorns, Figs off Thistles, and Reasons of Brambles, and fetch rational conclusions from a quaint Collusion

⁵⁵⁴ Marchamont Nedham, *The Great Accuser cast down; Or, A Publick Trial of Mr. John Goodwin Of Coleman-street, London, At the Bar of Religion & Right Reason*, London: 1657 July.

⁵⁵⁵ Nedham, *Great Accuser*, p. 76.

⁵⁵⁶ Nedham, *Great Accuser*, p. 77.

⁵⁵⁷ Nedham, *Great Accuser*, p. 83.

⁵⁵⁸ Nedham, *Great Accuser*, p. 101. The term 'anticatachresis' seems to be a fabricated one, as it is not found in any standard textbook of rhetoric. However, as Nedham's purpose is ridicule, it is plausible that Nedham's claim here is that Goodwin's rhetoric is so inappropriate, that even to describe it requires accordingly outlandish terms.

⁵⁵⁹ Nedham, *Great Accuser*, p. 96.

of Tropes and Figures.”⁵⁶⁰ Yet his lack of arguments – “unless such strains of Rhetorick of Logick as are in use at the University of Belinsgate [market in London celebrated for fish and foul language], may be called Arguments”⁵⁶¹ – left the work “only a quaint piece of Tautologie flourished over with a new dress: For, abstract the Rhetorical levities, and there remains nothing but the same *Crambe*.”⁵⁶²

If Goodwin’s content and form were poor, what were then the proper bases of argumentation, when not writing for the masses? In a lengthy passage, Nedham used the classical typology of passion and reason as such foundations: “right reason and Justice are common Principles which all men have in them more or lesse, and do bear a reverence thereto by the very light of Nature, and therefore when any thing that is reasonable and just comes to be insisted on, all men do readily assent to it.” Exception to the rule of reason are those “who may be byassed to the contrary by Passion.” Like reason, passion was “an Affect common to all men likewise more or lesse,” but since it was “an infirmity of nature which either clouds reason, or suspends the use of it in the man, or men so affected,” it caused “them to do things unjust.”⁵⁶³ Rhetoric, as used by orators, could be used to solve this problem, but also to aggravate it in case of demagogues – especially in case of religious demagogues such as Goodwin.

Nedham’s distaste for religious demagogues had clearly not abated, but of particular interest in Goodwin’s case is that Nedham accused Goodwin not only of being a demagogue, but one lacking skills in rhetoric. Goodwin, with his “pompous way of Affectation with Strains of Oratory”⁵⁶⁴ and “loose temper” was conjuring discontent, disaffection and faction among the people.⁵⁶⁵ His true pleading was for “the Right and power of Patrons,” which he concealed “with many Flowers of Rhetorick.”⁵⁶⁶ In a series of rhetorical questions, Nedham sur-

⁵⁶⁰ Nedham, *Great Accuser*, p. 97.

⁵⁶¹ Nedham, *Great Accuser*, pp. 94-5.

⁵⁶² Nedham, *Great Accuser*, p. 80.

⁵⁶³ Nedham, *Great Accuser*, p. 41.

⁵⁶⁴ Nedham, *Great Accuser*, sig. b1r.

⁵⁶⁵ Nedham, *Great Accuser*, p. 63.

⁵⁶⁶ Nedham, *Great Accuser*, p. 40.

veyed the tactics of demagoguery. They instilled “false conceptions, mistakes, and misapprehensions of Affairs” into “People’s minds,” using language “artificially and craftily contrived” with “oblique hints and secret wiles.” Such tricks, more efficient than “down-right language” charmed the “vulgar sort,” and the recent history of England was a case in point.⁵⁶⁷ It should be noted that “down-right” language does not denote rhetorical language: otherwise Nedham’s case would have been self-contradictory.

Nedham’s text was not devoid of political counter-arguments, of which the theological dimensions are outside the scope of this study, but it should still be noted how Nedham specifically tied his arguments against religious demagogues to the general problems related to decision-making in assemblies, i.e. to deliberative rhetoric as public speech. Nedham’s appeal was again to history, as “the experience of all Ages, where various interests and conditions of men have met in numerous popular Assemblies” had showed, the priests would “too often debate for victory, too often to gratify a friend.”⁵⁶⁸ Nedham’s rhetorical question was “How often hath the present Authority been put to a stand by such Demagogues, who have abused the Pulpit, and the Ordinances of God.”⁵⁶⁹ Priests were not only violating their own faith, but also the proper decorum of deliberative rhetoric in their quest to challenge legitimate authorities – both heavenly and secular.

12. *Harrington’s Prerogative*

Nedham was not the only writer to put forward criticism of James Harrington’s *Oceana*. A thorough reply to these critiques was made in the *Prerogative of Popular Government* in 1658, through which Harrington

⁵⁶⁷ Nedham, *Great Accuser*, p. 128.

⁵⁶⁸ Nedham, *Great Accuser*, p. 114.

⁵⁶⁹ Nedham, *Great Accuser*, p. 64.

could elaborate upon, and redefine his earlier claims.⁵⁷⁰ The disagreements were numerous, not all of which are of immediate relevance to this study. There are a number of arguments in the *Prerogative* that were simply reiterations of those presented in *Oceana*. For example, Harrington reaffirmed his admiration of antiquity for its “learning” and “inimitable eloquence” (PW 399-400), in particular due to the role of education through epideictic oratory. To exemplify this idea, he recited the story of Pacuvius Calavius exhorting the people of Capua, as it was told by Machiavelli (PW 418).⁵⁷¹ Outside monarchist circles, such points were less contentious, since they had a firm foundation in the classical republican tradition.

To defend his republican allegiances to popular government, Harrington added a great deal of theological arguments. Not only by using such biblical injunction as how “in a multitude of counsellors (say both Solomon and Machiavel) there is strength,” and that “The voice of the people is the voice of God” (PW 391), but the whole of the second part of the two books of the *Prerogative* was dedicated to analysing the early church and the Hebrew commonwealth.⁵⁷² In particular, Harrington argued that “the suffrage of the people” in electing office-holders was already introduced by Moses, and things “were no other in Athens and Rome than they had been in the commonwealth of Israel” (PW 518-9). Thus, his own theory of popular government could be shown to rely on the twin pillars of both religious (biblical and Talmudic) and classical precedents, and traditions of learning.

However, for the classical models of government, Harrington had to deal with the conventional division between the two basic models of Greek republics, Sparta and Athens. Harrington admitted that “the

⁵⁷⁰ According to the editor of PW, the Thomason collection acquisition date is on 28 November 1657. I have nevertheless chosen to use the printer’s date, 1658, since that is the year most often used in the research literature, and since in this case the exact dating of the work is not of the utmost relevance to my arguments.

⁵⁷¹ Quoting *Discourses*, 1.47.

⁵⁷² For a recent study on the importance of these aspects in Harrington’s thought, see Eric Nelson, *The Hebrew republic: Jewish sources and the transformation of European political thought*, Harvard: 2010.

Greeks commonly are to understand to distinguish of these two" – that is, of Athens as a democracy and Sparta as an aristocracy or oligarchy. But he could claim that even "according to the judgment of some of the Athenians themselves," such as Isocrates,⁵⁷³ Sparta was indeed a popular commonwealth. Harrington sided with this view, and could thus define his model of government as "that which is properly and truly to be called a democracy, or popular government" (PW 479).⁵⁷⁴ Harrington did not need to innovate or redefine conceptions of Sparta, as he was merely retrieving the ancient prudence. Furthermore, it is worth noting the context of Harrington's quotation from *Areopagiticus*. In it, Isocrates wrote how in most of his works he condemned oligarchies and special privileges, while commending equal rights and democratic governments – yet "not all of them, but those which are well-ordered, praising them not indiscriminately, but on just and reasonable grounds." Fundamentally, this was Harrington's approach to politics as well: a republic without law and order was not a commendable republic.

Harrington's belief in the validity of such classical authors' definitions of commonwealth was what set him up again against his contemporary, Thomas Hobbes. As in *Oceana*, Harrington reiterated his opposition to Hobbes' politics, "with as much disdain as he opposed those of the greatest authors" (PW 423). However, the context of this particular quote has become so oft quoted, that it requires further analysis, for reasons that will become shortly apparent. To begin with, it is worthwhile repeating the relevant passage in full:

It is true I have opposed the politics of Mr. Hobbes, to show him what he taught me, with as much disdain as he opposed those of the greatest authors, in whose wholesome fame and doctrine the good of mankind being concerned, my conscience bears me witness that I have done my duty.

⁵⁷³ The quotation is from Isocrates, *Areopagitica* (61): "the Lacedaemonians are the best governed of peoples because they are the most democratic; for in their selection of magistrates, in their daily life, and in their habits in general, we may see that the principles of equity and equality have greater influence than elsewhere in the world--principles to which oligarchies are hostile, while well-ordered democracies practise them continually" (George Norlin tr.).

⁵⁷⁴ See also PW 528 for the same definition for Israel, "from the institution of Moses to the monarchy."

Nevertheless in most other things I firmly believe that Mr. Hobbes is, and will in future ages be accounted, the best writer at this day in the world; and for his treatises of human nature, and of liberty and necessity, they are the greatest of new lights, and those which I have followed and shall follow.

Among other things, this passage has been used to show Harrington's acknowledgement of the stature Hobbes already had in the intellectual life of the era.⁵⁷⁵ Less convincingly, it has also been used to argue for the influence Hobbes' theory had on Harrington's,⁵⁷⁶ indeed so repeatedly that the "intellectual debt" has nearly become the conventional wisdom.⁵⁷⁷ Considering how much of *Oceana* is critical of Hobbes' politics, and the same argument is explicitly continued in the *Prerogative*, it is clear that Hobbes' work had an influence on Harrington – in the sense that his writings would certainly not look the same if Hobbes had never lived. However, it is implausible to assume that this influence was a positive one, that we should see Harrington as an open and willing Hobbesian, since Harrington clearly said otherwise in both words and arguments. Arguing otherwise would require an unabashed reading out of context.

The first sentence is, as said, an open refutation of Hobbes' politics, with a nod to Hobbes' undeniable capability as a writer in scorning earlier authors. The second sentence, rather than being mere praise, is a continuation of the acknowledgement of Hobbes' talents as "the best writer at this day." It is definitely *not* a defence of Hobbes' politics. Furthermore, Harrington's references to "treatises of human nature, and of liberty and necessity," should not be read as an approval of Hobbes' views on those matters. What Harrington refers to as the "new

⁵⁷⁵ Quentin Skinner, *Vision of politics, vol. III*, Cambridge: 2002, p. 266.

⁵⁷⁶ Jonathan Scott, "The peace of silence: Thucydides and the English civil war," in *Hobbes and history*, eds. G. A. J. Rogers, Tom Sorell, Wellington: 1996, pp. 106-7; Scott, "Classical republicanism in seventeenth century England and the Netherlands," pp. 72-3; Scott, "Rapture of motion," p. 155; Scott, *Commonwealth principles*, p. 163; Scott, *England's troubles*, pp. 329-30.

⁵⁷⁷ Gary Remer, "After Machiavelli and Hobbes: James Harrington's Commonwealth of Israel," in *Political Hebraism: Judaic Sources in Early Modern Political Thought*, eds. Gordon Schochet, Fania Oz-Salzberger, Jerusalem: 2008, p. 215, refers to "several writers," yet quotes only Jonathan Scott.

lights" that he will follow, are also names of Hobbes' books: *Human nature* (1650, the unauthorised version of parts of *Elements of Law Natural and Politic*) and *Of Liberty and Necessity* (1654).⁵⁷⁸ On its own, this passage is not sufficient to claim that Harrington approved Hobbes' views of the topics as such. Any comparison of their views needs to be based on a wider reading of Harrington's works than this passage alone allows. As was shown earlier in *Oceana*, Harrington's views of liberty and human nature were certainly very much at odds with Hobbes'.

At the same time, Harrington's view of the human nature was not only different from Hobbes', but Harrington himself saw it as a bold re-assertion of classical political theory. This is shown when Harrington reiterates and elaborates his views on the relationships between human nature and laws. The crucial connection, as in *Oceana*, was in the common interest: "All civil laws acknowledge that there is a common interest of mankind, and all civil laws proceed from the nature of man; therefore it is in the nature of man to acknowledge that there is a common interest in mankind," and that interest is "distinct from the parts taken severally." The acknowledgement of the common interest was "the main of this philosophy," which consisted "in deposing passion, and advancing reason to the throne of empire." Harrington followed this claim by admitting that he "expected news in this place that this were to promise more for the magistrate or the people than hath been performed by the Stoics" (PW 415).

Harrington continued to make connections between his theory and the ancient prudence, by explicitly adding to his description of the deference shown to the wiser by the less so, the professedly Roman origins of the claim. The wiser acquired "an authority with and imprint upon" the rest, "which action and passion in the *Roman* commonwealth were call'd *auctoritas patrum*, & *verecundia plebis*" (PW 416). As presented earlier, Harrington's political theory rested to a large extent on this view of authority, and its difference from the view that simply conflated power with authority was large. Accordingly, Harrington put much effort into

⁵⁷⁸ The reference to the *Of Liberty and Necessity* is also noted in Nicholas D. Jackson, *Hobbes, Bramhall and the politics of liberty and necessity: a quarrel of the Civil Wars and Interregnum*, Cambridge: 2007, p. 303.

reiterating and elaborating upon his use of the term ‘authority’: for example, by presenting the distinction through an example of the commonwealth, whose “power extends no further than her own people, but her authority may govern others, as that of *Athens* did *Rome*, when the latter wrote her *twelve tables* by the copy of the former” (PW 464).

Harrington’s insistence that the authority be based on intellectual abilities, rather than merely martial virtues or pure brawn, had a direct influence on his view on public speech. Against the view that his belief in the virtues of open debating must necessarily lead into anarchy, Harrington emphasised in the *Prerogative* that debate was not to be engaged upon by just anyone, but only by the best and wisest. Neither should political debates take place in any forum, or in any manner, whatsoever. At numerous instances Harrington specifies the decorum for his conception of debate. There are different fields of debate, as they that could “discern in private affairs are called discreet, but they that can do it in public are prudent” (PW 416).

While Harrington’s “debate” involved numerous attributes (the force of reason, prudence, and so forth) it is necessary to delve deeper into the definitions. Adding to the definitions in *Oceana*, Harrington defined reason in the *Prerogative* as being divided into two parts (a Cicero-Ramist definition): “invention” was in the sphere of an individual genius, “judgment” was a shared capability of the “people” (as defined by Harrington, PW 391).⁵⁷⁹ Everyone had enough reason to make judgments, which was the basis for broadening the decision-making structure to include as many voices as possible. The way for the people to exercise this aspect of reason was to debate in the senate or, for the larger part of the people, to vote in the popular assembly.

Although Harrington put a great deal of effort in ensuring that the political debates of an ideal commonwealth were held in an orderly manner, he did not consider controversy as such to be a problem. Straight from the beginning of the *Prerogative*, Harrington divided con-

⁵⁷⁹ Considering the argument how Harrington supposedly equated reason with interest, it is not very obvious how divisions such as these would apply to any conception of interest – outside resorting to the aforementioned view of Harrington being ‘confused.’

troversies into the argumentative – “those of the pen,” which relied on force of reason – and the violent – “those of the sword,” which relied on force alone. The latter were to be banished from a well-ordered society, but religious and political controversies “of the pen,” were “most honourable” and “useful” – and “the most noble,” when aiming for “the vindication of popular government” (PW 391). Harrington’s preference for order and harmony did not make him averse to conflict as such, and as has been shown earlier, Harrington could rely on a long tradition of classical republicanism in promoting peaceful harmony over violent conflict.

Nevertheless, Harrington could also rely on the same classical tradition to argue that the willingness to allow controversy should not extend to all the levels of government. Outside the senate, Harrington argued, political debating had pernicious effects, as proven by the example of ancient Athenians. Their way of letting people speak for, or against, legislative proposals in the popular assembly was a “custom of prating” that “made excellent orators, but a bad commonwealth.” The problem lay not in the people showing “their eloquence,” but in the possibility it opened for the “frequently bribed” demagogues to “conceal their knavery” (PW 478-9). Like for Nedham, the pecuniary interests of demagogues would ruin any notion of useful popular debate in the common interest.

Finally in relation to the *Prerogative*, it should be re-emphasised that for Harrington’s views on demagoguery, rhetoric was not considered the main problem. Unlike Hobbes, Harrington did not regard the study of rhetoric as the cause behind demagoguery, nor did he see the rhetorical worldview as an inherently false approach to politics. It is difficult to find any political thinkers who would deny that fiery rhetoric could be used for rabble-rousing, but for Harrington no orator could have power to cause real danger to the commonwealth, if the proper political arrangements were in place. To assume “that one man alone, whether he be rich or poor, should without a party be able to disturb a commonwealth with sedition” was “an absurdity” (PW 424). Political action has larger causes and requires factional interests to collide with others, or with the common good, whereas mere talk is cheap.

13. 1659

With Oliver Cromwell's passing on September 3rd of 1658, the Protectorate entered what came to be its last twenty months of existence. At the time, however, Oliver's son Richard took the reins of power and the political scene saw no major changes, and the same applied on the field of political theory. James Harrington continued his attempts to argue for the benefits of his ideas in another larger work, the *Art of Lawgiving*, which in the appendix to the text is self-dated to February 20th 1659. This would suggest that much of the work was written somewhat earlier. However, he also offered a shorter statement of his main ideas in *Brief directions shewing how a fit and perfect model of popular government may be made, found, or understood*, self-dated November 13th, 1658. This text in itself is not of immediate relevance to the study at hand, but the important point to note is its form: its brevity was to allow more readers to gain easier access to his theories, possibly due to Harrington's friend Henry Neville's influence (PW 101).

In the *Art of Lawgiving*, Harrington returned to one of the main arguments against a republican polity, that republican modes of government were always prone to factionalism. Harrington's answer had a strongly anti-monarchical stance, in the sense that he contrasted the few deficiencies of republicanism to the much worse option of monarchy. A republican polity was the lesser evil: even if "commonwealth is a seditious government, yet must it be the least seditious government." In contrast to his earlier admissions of the internal problems of Greek commonwealths, Harrington now even chose to use a classical example, arguing that the ancient Corinth had never suffered from internal sedition (PW 693).⁵⁸⁰

From the point of view of public speech, Harrington's approach to the power of rhetoric to guide political events was a moderate one.

⁵⁸⁰ Quoting Xenophon, *Hellenica* (4.4).

On the one hand, he continued to argue that in the greater scheme of things – that is, depending on the institutional arrangements, division of wealth, and other ‘superstructures’ of government – rhetoric was of limited power. A case in point was the downfall of the British monarchy, when all the “persuasion of court eloquence” could not prevail in the face of parliaments (PW 608).

On the other hand, unfettered, popular free speech was still something to be avoided, and Harrington emphasised the concept of maturity as the method of getting the common good to be the main aim of debate. In view of the prevalence of Roman allusions in Harrington’s writings, this allusion is most likely to the Senate, as an assembly of elder statesmen. The senators had to be able to realise that the need to submit their proposals to the lower chamber would make it very difficult to bring their own factional interests into play. Such deliberations were then “without any bias upon or diversion of such debate from maturity.” The “final cause of the senate” lies upon such “maturity of unbiased debate” (PW 676).

As maturity by definition cannot be a common trait for the citizens, not everyone was expected to become a statesman either. However, in this respect the *Art of Lawgiving* was on the face of it more favourable to meritocracy. Higher tasks were meant for the most able, and Harrington argued that “where a man from the lowest may not rise unto the due pitch of his unquestionable merit, the commonwealth is not equal” (PW 677). This opening up should be taken with a grain of salt, considering that the system of education, the main provider of the abilities needed to perform the duties of higher statesmen, is unchanged from *Oceana*. As seen there, Harrington’s educational system was designed to promote republican values in general, but only for the chosen best.

In general, outside *Oceana* Harrington rarely pondered the topic of education. This desuetude has given rise to different interpretations of his motives. It has been postulated that this was caused by Harrington becoming more Hobbesian,⁵⁸¹ or alternatively, that Harrington’s insti-

⁵⁸¹ Alan Cromartie, “Harringtonian Virtue,” p. 1002.

tutional arrangements removed the need for individual education.⁵⁸² The problem with the first claim is that, unlike Hobbes, Harrington did not disown his beliefs in humanist education and oratory. As for the second, it seems to be an unwarranted speculation, considering that the institutions remain the same throughout Harrington's works. And judging from the subject of a debate in February 20th 1660 at Harrington's Rota Club – "whether learned or unlearned subjects are the best" – clearly the questions of learning did remain on the agenda, if not in the writings.⁵⁸³

A likely explanation why Harrington neglected the issues of education in his later writings is that they were relatively uncontroversial, especially in comparison with Harrington's other views. This is apparent from the topics his critics would highlight, and accordingly, Harrington concentrated on those parts that needed defending from critique. Furthermore, as we shall see, towards the end of the 1650s it made more sense to concentrate on the political arrangements, which were in a state of flux. After all, education was by its very nature a longer-term process, whereas any constitutional changes would be imminent.

In the course of the early 1659, the time of the third Protectorate Parliament, Harrington added ever-stronger statements to his brand of republicanism. In a work titled *Politicafter, or, a comical discourse, in answer unto Mr. Wren's book, intituled, Monarchy asserted, against Mr. Harrington's Oceana*, self-dated to 20 March, we find him grappling with the claim made by Wren that majority rule essentially involved rule by force. This argument was not restricted to monarchists alone, as we have seen it had been propounded by republican authors like John Hall as well. Harrington's conception of majority rule bypassed this claim by arguing that in politics, majority rule was essentially also the rule of right reason, and thus legitimate. Since people were able to look beyond themselves, they would consent to majority decisions in the same way as to anything requiring certainty: "that which appeared unto the most, is most authentick. And what can you desire more of certainty in

⁵⁸² Skerpan, *The rhetoric of politics*, p. 216.

⁵⁸³ Samuel Pepys, *The Diary of Samuel Pepys, vol. I*, (1660), eds. Robert Latham & William Matthews, London: 1970, p. 61; Norbrook, *Writing the English Republic*, p. 416.

a government, than all that certainty which can be had in the world?" (PW 720).

In his later writings Harrington remained adamant in this view. Against the notion that allowing free elections would risk restoring monarchy, Harrington argued that elections could be allowed since – sooner or later, but not more than seven years – people would see where their true interest lay: in a republican form of government (PW 745). This can be seen in *A Discourse upon this saying: the Spirit of the Nation is not yet to be trusted with Liberty; lest it introduce Monarchy, or invade the Liberty of Conscience* (self-dated to 16 May), which featured an often-quoted anecdote about a pageant in Rome:

[it] represented a kitchen, with all the proper utensils in use and action. The cooks were all cats and kitlings, set in such frames, so tied and ordered, that the poor creatures could make no motion to get loose, but the same caused one to turn the spit, another to baste the meat, a third to skim the pot and a fourth to make green sauce. If the frame of your commonwealth be not such as causeth everyone to perform his certain function as necessarily as this did the cat to make green sauce, it is not right. (PW 744)

This anecdote has been often presented as representative of Harrington's views on participation and self-government.⁵⁸⁴ Yet it would seem inappropriate to speak of "poor creatures," if the purpose was an exhortation to emulate. Therefore, if this passage is to be taken at face value and not as a hyperbole, it would imply a very poor understanding of rhetoric on Harrington's part, which is not corroborated by his other writings. Since clearly Harrington knew of rhetoric and used it in his writings, it is then reasonable to assume that he could use hyperbole in an analogy. Furthermore, considering the amount of trust Harrington put in the debating, voting and the capability to reason, as parts of his republican system, it is very difficult to see how these kinds of political action could be done by simple cogs in "a human machine."⁵⁸⁵ Surely,

⁵⁸⁴ Scott, "The peace of silence: Thucydides and the English Civil War," p. 127; Scott, "Classical Republicanism in Seventeenth century England and the Netherlands," p. 73; Rahe, *Republics ancient and modern*, p. 182.

⁵⁸⁵ Davis, *Utopia and the ideal society*, p. 239

such actions would seem to imply active thought processes, rather than mere “politics on a slab.”⁵⁸⁶

Harrington’s *Discourse upon this saying*, was written in the context of novel political developments. In April the third Protectorate Parliament had been disbanded, and the Rump Parliament was recalled. In May, freedom of the press was reinstated – at least in the sense that censorship was not heavily enforced, which duly resulted in a barrage of pamphlets: in Thomason tracts, there are 652 separate pamphlets from 1659, against 282 in 1658.⁵⁸⁷ Like Harrington, many authors wrote on the benefits and dangers of allowing elections, and, more generally, what the coming institutional arrangements of the commonwealth should be. Among them, John Streater took full advantage of the occasion by bringing out several pamphlets on those topics.

The new political climate saw Streater restored to his rank in the military, which did not hinder him from re-engaging in republican writings.⁵⁸⁸ In *The continuation of this session of Parliament* of 16 May, Streater returned to the problems of factional interests. Streater argued that the establishment of a “Free State” in 1649 had been the best thing ever to have befallen the nation, despite the “inconveniences” that followed. This was not due to any faults in republican ideals, but because of “them that did alwayes in design Obstruct the carrying on of the *Good Old Cause*, and did privately Insinuate poysonous Counsel and practices, by endeavouring to divide the *Parliament* of the *People* into factions, by which means the work of Settlement was obstructed.”⁵⁸⁹ We may assume that the “privately” given ill counsel in a parliamentary government would not imply demagoguery, yet the effects are the same: discord and failure to fully gain from the benefits of a free state. Where such miscreants have better chances are in a form of government where a single person is lifted to supremacy, since then “Favour-

⁵⁸⁶ Scott, “The rapture of motion,” pp. 159-162.

⁵⁸⁷ Woolrych, *Britain in Revolution*, pp. 715, 723.

⁵⁸⁸ Johns, *Nature of the Book*, p. 292.

⁵⁸⁹ Streater, *The continuation of this session of Parliament, justified; and the action of the Army touching that affair defended: and objections to both answered; according to the best rules of law, reason, and just-preserving policie*, London: 1659, p. 11. Date from Thomason copy.

ites take advantage to discontent the people.”⁵⁹⁰ And as Streater put it a few weeks later in *Government described* of 1 June, “a Monarch shall never want Flatterers to prompt and hasten him to a Tyranny.”⁵⁹¹

There are two main points in Streater’s argument. First, there will always be factional interests, and we shall return to this point shortly. Second, preventing any harm by such interests will require institutional arrangements rather than putting trust in personal ethics. Streater duly quotes Aristotle about the need for good laws over good men, and points to the lessons from Tacitus and Suetonius on Nero, and of more recent ones on Oliver Cromwell. There is a need to give “exact Rules to the People, to choose such persons as are capable of (their) Trust.” As for the chosen representatives, their institutional rules must ensure that the unavoidable factional interests will not gain the upper hand in the legislative process. The most important way to that goal is to rely on the representatives to be self-interested, since “if a Member of the Peoples Representative knoweth his time is limited as to the Exercise of Supream power, and that he must again Repair to a private life, and be governed by the same Law he maketh; he will be sure to look to the making of good Lawes.”⁵⁹² The rotation of offices is not just a question of preventing the corruptive effects of power, but also to keep the interests concentrated on the good of the whole.

Streater continued this line of thought in the *Secret reasons of state* of 23 May, a pamphlet detailing his troubles with the law after having written the *Grand Politick Informer* in 1653. The political events thereafter he considered a justification of the “excellent Lesson, Not to trust to Men, but rather to good Constitutions, and good Lawes.” However, Streater’s publication of his defence in 1653 allowed him also to present a further elaboration of the reasons behind that lesson.⁵⁹³ At stake was

⁵⁹⁰ Streater, *The continuation of this session of Parliament*, p. 13.

⁵⁹¹ Streater, *Government described: viz. what monarchie, aristocracie, oligarchie, and democracie, is. Together with a brief model of the government of the common-wealth, or, free-state of Ragouse. Fit for view at this present juncture of settlement*, London: 1659, p. 3. Date from Thomason copy.

⁵⁹² Streater, *The continuation of this session of Parliament*, pp. 13, 15.

⁵⁹³ Streater, *Secret reasons of state in reference to the affairs of these nations, at the interruption of*

not so much a question of Streater's belief in ethics or virtue of citizens, but rather a deeper question, about the concept of legitimacy. Laws and constitutions are what separate mere power from legitimate authority. Without them, arbitrary use of power would become the rule. As Streater put the matter in two examples, first one hypothetical – "I have power to kill this Gentleman next me, but not by Law" – and the second one very actual, from 1653: "So the Parliament hath power to deliver me to prison without shewing cause, but no legal power."⁵⁹⁴

What, then, is the purpose of law? For Streater, "The Law intendeth but three things only to defend, in which all else is comprehended: they are Life, Liberty, and Estate." Of these three, "Liberty is the chief." The substance of liberty is that it must be "a just preserving Liberty that shall be for the good of society," and not mere licence, "every ones doing what he listeth."⁵⁹⁵ Streater elaborated further on the importance of defining liberty through its benefit to the common good in *Government described*. As in the earlier *Observations*, the result of restraining the freedom of action – "true Liberty is such a thing, as a convenient and necessary Bondage" – is a very individualistic, almost Millian conception of liberty: "that is, I ought to be limited in such a thing: If not, it will be to the detriment of another; this Liberty would not consist with Society." Streater's reasoning does not rely on rights of individuals, but on the effects of free actions on others and the common good. Streater used suicide as an example, portraying it as a supremely individualistic action that would bring no benefits to the society, so "he that would assassinate himself, must be deprived of his Liberty to do so horrid an act."⁵⁹⁶

The immediate political effect of this conception of liberty was to put strict criteria on elections in the near future. Streater remained ada-

this present Parliament: anno 1653. discovered. Also, the power of parliaments, touching imprisonment, debated. With other matters worthy of observation, in Jo: Streater's case: this being a narrative of his two years troubles at the beginning of the late monarchie, erected by General Cromwel, London: 1659, p. 6. Date from Thomason copy.

⁵⁹⁴ Streater, *Secret reasons of state*, p. 13.

⁵⁹⁵ Streater, *Secret reasons of state*, p. 12.

⁵⁹⁶ Streater, *Government described*, p. 8.

mant that elections were absolutely necessary, as “often changing of Officers” was “the true Embleme of a Free-State.” Rotation of those in power must have been the primary reason for choosing “Ragouse” (present-day Dubrovnik) as an ideal to be followed, since the republic was otherwise very aristocratic and thus hardly a suitable model for the popularly minded Streater. Nevertheless, although voting often was necessary, doing so “at this Juncture of time” would be akin to suicide, as elections would “deprive (the people of England) of the blessed Government of a Free-State.” Elections were the peoples right, but they should “be intrusted with such Qualifications, as may preserve the Interest of the Commonwealth.”⁵⁹⁷

In his next work, *A shield against the Parthian dart*, Streater continued the argument for allowing only qualified elections. In response to an earlier writer who had connected Streater with Harrington, Streater unabashedly approved of Harrington’s theory: “That a *Commonwealth* may be Governed as Mr. *Harrington* describeth, is certain; nay *England* it self.” But as in the previous work, the timing was not right for such arrangements, as “the *Interests* on foot in the Nation maketh it Incapable: Therefore such a Government must be made choyce of, that may best fit the Interests.”⁵⁹⁸ Streater’s prose concerning ‘interests’ is not crystal-clear here, but since the reference was to Harrington, the most plausible assumption is that the concept of interests is similar. ‘Interests’ as used here referred to private, factional interests versus the public interest; that is, the true interests of the people. There would thus not need to be any conflict between Streater and Harrington’s concepts of interest.⁵⁹⁹ This postulation is corroborated by Streater’s definition of “A *Free-State*,” which “is the Ruling of the *People* (by Turns) by Laws that are Superiour to private Interest, that may preserve all.”⁶⁰⁰

⁵⁹⁷ Streater, *Government described*, p. 8.

⁵⁹⁸ Streater, *A shield against the Parthian dart, or, A word to the purpose, shot into Wallingford-House: Answered in defence of the present actions of state here in England, that produced the late change of government*, London: 1659, pp. 17-18. Thomason date on 22 June.

⁵⁹⁹ Pace Steven Pincus, “Neither Machiavellian Moment for Possessive Individualism: Commercial Society and the Defenders of the English Commonwealth,” *American Historical Review*, June 1998, p. 723.

⁶⁰⁰ Streater, *A shield against the Parthian dart*, p. 16.

The antagonism between private and public interests is also evident in Streater's depiction of the struggle for liberty of conscience. It was "a thing desired by all," and individually all "desire it to themselves, but are not willing to part with the like to others." In "the rise of any opinion at first, It will cry and plead for Liberty of conscience," since that is in individual, private interest, "but when it is grown to number, strength and power sufficient to preserve it self, it then thinketh it self not safe, but in the discountenancing, contending against, endeavouring the suppression and ruine of all other perswasions." Attempts at monopoly were also in private interest, and as mentioned earlier, such factional interests were inevitable. However, they could be best managed in a free state: "Liberty of conscience is defended and secured better in the Government as a Common-wealth."⁶⁰¹

In sum, for Streater the freedom of conscience, speech, and other liberties, as well as elections or any other institutional arrangement, were best arranged in such a way as to benefit the liberty of free men, living in a free state as a free people. Their greatest interest lay in guarding that liberty. Defined thus, Streater's talk of 'interests' hardly qualifies as an immediate outgrowth of the theory of reason of state.

The role of interests and reason of state have also been seen as central concepts in the book Marchamont Nedham wrote during the summer, titled *Interest Will Not Lie*.⁶⁰² As shown earlier, interests are far from necessitating an amoral approach to politics. There are good and bad interests, both of which are defined by their effect on the common-

⁶⁰¹ Streater, *A shield against the Parthian dart*, p. 21.

⁶⁰² The full title is *Interest will not lie. Or, a view of England's true interest: in reference to the papist, royalist, Presbyterian, baptised, neuter, Army, Parliament, City of London. In refutation of a treasonable pamphlet, entituled, The interest of England stated. Wherein the author of it pretends to discover a way, how to satisfie all parties before-mentioned, and provide for the publick good, by calling in the son of the late King, &c. Against whom it is here proved, that it is really the interest of every party (except only the papist) to keep him out: and whatever hath been objected by Mr. William Pryn, or other malcontents, in order to the restoring of that family, or against the legality of this Parliament's sitting, is here answer'd by arguments drawn from Mr Baxter's late book called A holy commonwealth, for the satisfaction of them of the Presbyterian way; and from writings of the most learned royalists, to convince those of the royal party*, London: 1659.

wealth. In *Interest will not lie*, written against a pamphlet called *Interest of England Stated*,⁶⁰³ Nedham declared in the exordium how “it was necessary for the right information of our Countriment of all Parties, to give them a view of their true Interests.” The problem with the other pamphlet was not the use of interests as such, but as “Designs being now generally laid to engage the People anew in blood and confusion, and this fawning Pamphlet having for the same cause been dispersed throughout the Three Nations” it was necessary to attack this clearly factionalist interest.⁶⁰⁴

Another problem in presenting interest theory as a method of political arithmetic lies in hindsight. Although interests can be validly presented as a source for a more modern analytical calculus of politics, contemporaries did not use it solely for that. Both Nedham and his intellectual forebear the Duke of Rohan presented their works as uninterested analyses of political events, but even more as persuasion towards political ends. As we have seen, during Nedham’s career the various interests he propounded conveniently coincided with the aims of his employers.⁶⁰⁵ This lack of consistency has then left puzzlement over his actual understanding of the term.⁶⁰⁶ From what we can read in Nedham’s texts, a plausible explanation is that he did not so much consider the substance of the concept, rather than point out the ways in which it was used – what was the true intention behind the rhetoric of interests.

The extent to which the talk of interests was mere rhetoric, claiming not to be so, is shown by Nedham’s choice of attacking his opponent. *Interest of England Stated* has been attributed to the Anglican divine John Fell, but was published anonymously. Nedham did not say whether he was aware who his opponent was, but nevertheless vehemently attacked him and his kind of cunning men. His approach was to trace and overtake “the Deceiver (I mean this Author) in his own Method.”

⁶⁰³ Thomason date for *Interest of England Stated* is 22 June, and for *Interest Will Not Lie*, 17 August.

⁶⁰⁴ Nedham, *Interest will not lie*, p. 3.

⁶⁰⁵ Besides *Interest will not lie*, this can also be seen in other ‘Roundhead’ writings like *Case of the Common-wealth*, as well as Royalist ones like *The case of the kingdom*.

⁶⁰⁶ Worden, “Wit in a Roundhead,” pp. 318-9.

As inherent in rhetorical theory, Nedham's own insinuations and persuasions were obviously intended as positive, because they were for a better cause – and simply put, his. However, eventually Nedham did not attack the rhetorical weaknesses – maybe none were to be found for him – and instead made use of the faulty premises underlying the text. For example, by the author's "joining the word Royalist and English Protestants, he intimateth, as if none were good Protestants but Royalists."⁶⁰⁷ Despite claims by scholars to the contrary, Nedham did not concede to his opponent's view that rhetorical inducements were not required when interest and profit were pleaded.⁶⁰⁸

On the contrary, in attacking "treasonable Papers" and "the sly insinuations and persuasions of cunning men," Nedham argued that the danger did not lie in the papers or persuasions as such, but in the case that the people were "seduced from a right understanding." Nedham supplied his counterarguments "for the right information." In 1659 the demagogues were the "Grandee-Cavaliers" in England and abroad, who besides using disinformation and propaganda to foment discontent and to "bewitch" the people, were also using "subtile Arguments of Perswasion." Nedham also blamed petitions, "cloathed in fine language" as being unwarranted, demagogic methods for stirring the populace to insurrections.⁶⁰⁹

Danger of popular flattery is of course connected with the more general danger of demagoguery. What is counted as demagoguery depends much on rhetorical redescription, and as usual, for Nedham it was represented by those with whom he was in disagreement. Nedham presented demagogues as fomenters of faction, rabble-rousers, licentious libellers, but participated in the same contestatory discourses with similar vehemence. In general, popular flattery was the accusation he had launched at Levellers and others who made their appeals to and in the name of the common people, but like in *Interest will not lie*, it was also

⁶⁰⁷ Nedham, *Interest will not lie*, pp. 3, 7.

⁶⁰⁸ Steve Pincus, "From holy cause to economic interest: the study of population and the invention of the state," *A nation transformed: England after the Restoration*, eds. Steven Pincus, Alan Houston, Cambridge: 2001, p. 286.

⁶⁰⁹ Nedham, *Interest will not lie*, pp. 3-4, 30.

used against Royalists claiming the language of common interest in order to advance their own. In the context, this avenue of attack was more sensible, since the ascendant power was the royalist, rather than leveller side.

Whereas Nedham put his arguments in a negative form against the royalists, during the fall of 1659, Harrington continued to present the positive side of republican ways. He kept trying to present his ideas in other formats, presumably for easier digestion. In early autumn he wrote *Aphorisms Political*, self-dated 25 August, of which *The Second Edition, Enlarged* was self-dated to 12 September. The text is largely a reiteration of Harrington's earlier ideas in 125 aphorisms. Possibly reflecting the somewhat chaotic contemporary political situation, or simply because of the changed format of the text, there is more emphasis on the orderliness of parliamentary debate in Harrington's system. Those capable of "prudent," "orderly" and "mature" debate were "few and eminent" (namely the aristocracy), and who would hence be restricted to the senate (PW 771-72). As it was the aristocracy's role to deliberate on policy, indeed, "if the aristocracy be not for the debate it is for nothing," it was necessary that debating should take place in a proper *decorum*.⁶¹⁰ Besides the role that aristocratic comportment might have in more convenient debate, the senate would not fall to factions due to the aforementioned institutional arrangements, but without them the danger of "anarchy.. by the people, or their demagogues or incendiaries" arose (PW 773).

Harrington continued to warn of the dangers of allowing public speech in the lower chamber of the Parliament in *Valerius and Publicola*, self-dated 22 October and written in a form of a dialogue. Any notion of having a reasoned debate in a popular setting would be as lost as the "great men" of Athens, who were as "start hares," when "hunted in the tumult of the popular assembly" (PW 793). Nevertheless, it is important to note that Harrington's restrictions applied only to the voting instances, to the public assemblies. Harrington makes no claim that debating on public matters was *arcana imperii*, or that it should be completely

⁶¹⁰ Remer, "Harrington's New Deliberative Rhetoric," p. 554.

suppressed as such. In *Valerius and Publicola*, (PW 799-800) Harrington explained how during the period of promulgation “the whole people, both by discourse and letters, debate six weeks together upon the matter.” This more private way of debating, avoids “tumult and confusion” in the assembly. It would be pointless to try to suppress public debate, since “those of the representative would one way or other have debate.” The main point is that there should not be “any debate at all *in* the representative,” but no restrictions are put to “debate in those that are *of* the representative” (my italics).⁶¹¹ Although most of the contemporary critique of Harrington’s works concentrated on it being too republican and not on its restriction on debate (unlike modern commentary), it is likely that Harrington wanted to emphasise this aspect of his theory. At least, in his introduction to the dialogue, Harrington presented his choice of medium as intending such an effect in general, since “the way of dialogue,.. faithfully managed, is the clearest and most effectual for the conveying a man’s sense unto the understanding of his reader” (p. 782).

Valerius and Publicola is also significant as it is a rare instance of Harrington writing about petitions, one of the few forms of generally acceptable methods of public speech, as mentioned in the introduction. Of course this was not always the case, and in 1659 there were a large number of petitions demanding changes in the political system. Indeed, they were made to such an extent, that the military junta that had taken power in a coup around the same time as Harrington was finishing *Valerius and Publicola*, even prohibited the collection of signatures for petitions in December 1st. For anyone with anti-rhetorical views, petitions would surely have been expected to be made in the old and tried way. For Harrington, there is reason to assume that he saw the use of rhetoric as perfectly acceptable in petitions. Not only did Harrington already have generally positive views on rhetoric, but he also used petitions in an improper fashion. In *Valerius and Publicola*, the character of Publicola is told to have petitioned the committee for government to take into use the political arrangements he has previously printed “over

⁶¹¹ This point has been argued also in Cromartie, “Harringtonian Virtue,” pp. 1004-1005.

and over" (PW 800). Seemingly, the petition is presented as of the old deferential, private variety. But in the same way that his whole dialogue was a new way for Harrington to try and persuade his readers of the usefulness of his political arrangements, the petition shared the same goal. It was publicly printed, openly political and premeditated, and used rhetoric: in a word, feigned.

From November, Harrington took over as the driving force behind a debating society called the Rota Club. Its activities probably serve to explain partially the lessening amount of his writings from then on. Though we will never know for certain, it is also possible that he experienced disappointment and withdrew from public engagement – or, as one scholar eloquently put it, he went from making “serious proposals for an actual political settlement” to producing “intellectual entertainment for the wits and virtuosi of the town.”⁶¹² Similarly, John Streater wrote little after the army coup. He disagreed with it, and engaged in plots against the junta. After such adventures he published in December 15 *A Letter sent to his Excellency the Lord Fleetwood*, publicly arguing against military rule. Probably as a kind of reward, when the Rump returned to power in 26 December, the very next day Streater was reinstated as official printer. However, his political engagement was much less in the sphere of public writing than before.⁶¹³

14. Milton's Ready and easy way

While Harrington and Streater were concerned with questions of political settlement, and other means of accommodating to the problems of public speech, John Milton's publications in 1659 were more about questions of religion. However, in these writings there are few important ruminations about the power of education that connect with the topic of rhetoric. Although it was not published at the time, the mod-

⁶¹² Woolrych, *Britain in Revolution*, p. 743.

⁶¹³ Adrian Johns, *Nature*, pp. 293-5.

ern scholarly consensus dates the writing of *Christian Doctrine* to this time.⁶¹⁴ In the manuscript, Milton returned to consider “free discussion and inquiry.” As they were “allowed in academic circles,” they “should certainly be denied to no believer” (CPW 6:121). And as was the usual case, the audience for this discussion was already set: “I address myself with much more confidence to learned than untutored readers.” It is in this context, that “it is in the interests of the Christian religion that men should be free not only to sift and winnow any doctrine, but also openly to give their opinions of it” (CPW 6:122).

When Milton wrote that “when God wants us to understand and thus believe in a particular doctrine as a primary point of faith, he teaches it to us not obscurely or confusedly, but simply and clearly, in plain words” (CPW 6:287), it was not against rhetoric, but against the monkish interpretations of clergy that Milton was arguing. Pertaining to Milton’s views on rhetoric, the often-made attack on rhetoric was its untruthfulness. Here Milton’s “better definition of falsehood” is noteworthy: “parables, hyperboles, fables and the various uses of irony are not falsehoods since they are calculated not to deceive but to instruct.” Similarly, issues of audience were to be kept in mind, since when holy “texts command us to speak the truth,” the most important question was “but to whom?” (CPW 6:760).⁶¹⁵

As previously mentioned, polite civil conversation seems to have had troubling aspects to Milton: he made a point against “crafty and hypocritical playing down of one’s merit, when one is really fishing for compliments” (CPW 6:734). Significantly, unlike other points, this one lacked any scriptural quotations. It could be that Milton could find no quotations for this aspect of the courtesy theory, and decided to inveigh against it anyway. Milton also recognises comity as a virtue, but not when it is “counterfeit or affected.” Also included is urbanity, which

⁶¹⁴ Gordon Campbell et al., *Milton and the manuscript of De Doctrina Christiana*, Oxford: 2007, pp. 157-8.

⁶¹⁵ If not seen in such a rhetorical context, Milton’s view may appear shocking, as they did to Perez Zagorin to whom “Milton’s allowance for lying.. was so wide that it bordered on laxity”: Perez Zagorin, *Ways of Lying: dissimulation, persecution, and conformity in early modern Europe*, Cambridge, Mass: 1990, p. 240n.

"entails not only elegance and wit (of a decent kind) in conversation, but also the ability to discourse and to reply in an acute and apposite way." Similarly, frankness (*libertas loquendi*), "what makes us speak the truth fearlessly" is listed (CPW 6:769-70).

Although the political connection to the role of rhetoric is not explicit in the writings of this time, we can assume that it was not completely dismissed, considering the title alone of *A Treatise of Civil Power in Ecclesiastical Causes; Showing That it Is Not Lawful For Any Power on Earth to Compel in Matters of Religion* (February, 1659). In this pamphlet, Milton reasserted the power of learning against false beliefs in a similar way as it would prevail against demagoguery: "seducement is to be hindered" by "instant and powerful demonstration to the contrary; by opposing truth to error." Intolerance was also cast out on the grounds of utility, as "Force is no honest confutation, but uneffectual, and for the most part unsuccessful" (CPW 7:261). It was the "sound doctrine, diligently and duly taught" that would be "always prevalent against seducers" (CPW 7:261-2). Milton was adamant that "surely force cannot work perswasion" (CPW 7:266), and what was needed was a rhetorical approach: dialogue, discussion and argument.⁶¹⁶

In *Considerations touching the likeliest Means to remove Hirelings out of the Church* (August, 1659) Milton further explicated the problem of bad education: "under force, though no thanks to the forcers, true religion oft-times best thrives and flourishes," but "the corruption of teachers, most commonly the effect of hire, is the very bane of truth in them who are so corrupted" (CPW 7:277). He made another acknowledgement of the hindrance of "schoole terms and metaphysical notions, which have obscur'd rather than explan'd our religion, and made it seem difficult without cause" (CPW 7:305). Milton deemed it "a fond error.. to think that the universitie makes a minister of the gospel" (CPW 7:315). Rather, "those theological disputations there held by Professors and graduates are such as tend least of all to the edification or capacitie of the people, but rather perplex and leaven pure doctrin with scholastical trash." Therefore, "to speak freely, it were much better, there were

⁶¹⁶ Sharon Achinstein, *Literature and dissent in Milton's England*, Cambridge: 2003, p. 141.

not one divine in the universitie; no schoole-divinitie known, the idle sophistrie of monks.” (CPW 7:317). In return, Milton returned to his own proposals on the practicalities of humanistic education, proposing that “in greater number all over the land schooles and competent libraries to those schooles, where languages and arts may be taught free together,” “so all the land would be soone better civiliz’d” (CPW 7:305). This proposal was repeated in *Proposalls of Certaine Expedients* (November 1659), written under the rule of the junta, as the “liberty to erect schooles where all arts & sciences may be taught in every citty & great towne,” by which means “the land would become much more civilized” (CPW 7:358).

Milton’s renewed emphasis on right reason and education should be kept in mind when analysing his much better known work from this period, *The Readie & Easie Way to Establish a Free Commonwealth*.⁶¹⁷ Although declarations affirming the establishment of the Commonwealth, without a King or House of Lords, to be governed by representatives of the people, were made even on January 23rd, the consensus view of modern historians is that the return of the monarchy had been inevitable since the autumn of 1659.⁶¹⁸ Nevertheless, while we have seen Harrington and Streater reduce their output, Milton did not. This can be seen as an act of boldness, an unwillingness to bow to the ‘inevitable’. Or, as implying that consensus was not necessarily the voice of right reason. As we shall see, this was certainly the main political statement of *The Readie and Easie Way*.

Milton began his tract by inveighing against the current trend, the “unsound humour of returning to old bondage, instilld of late by some cunning deceivers; and nourished from bad principles and fals apprehensions” (CPW 7:355, 407-8). The perpetrators of such foolishness,

⁶¹⁷ The full title is *The Readie and Easie Way to Establish a Free Commonwealth, and the Excellence Thereof, Compared With the Inconveniencies and Dangers of Readmitting Kingship In This Nation*. First edition of the work came out in February, and a second in March-April, 1660. The quotations are given to both editions, while following the wording as it was in the first. Obviously, if the quote is to be found only in the second edition, there will be only one reference.

⁶¹⁸ Woolrych, *Britain in Revolution*, p. 756.

priests in particular, were willingly misleading their improperly educated countrymen. Milton portrayed it as adding insult to injury, when considering the natural character of the English, who possessed "a spirit in this nation no less noble and well fitted to the liberty of a Commonwealth, then in the ancient Greeks or Romans" (CPW 7:356, 420). It was in those ancient republics that the difference between eloquence in a republic and flattery in a monarchy was first asserted, and Milton reminded his readers of how in a republic its leaders "may be spoken to freely, familiarly, friendly, without adoration," "whereas a king must be ador'd like a Demigod" (CPW 7:360, 425). It was thus all the more incomprehensible, that people possessing the required qualities for, and the knowledge of the alternatives to, living in a republic would willingly give it up. People who:

hath fought so gloriously for libertie, how they can change thir noble words and actions heretofore so becoming the majestie of a free people, unto the base necessitie of court-flatteries and prostrations, is not only strange and admirable, but lamentable to think on (CPW 7:363, 428).

The reason for this Tacitean backsliding lay not in rhetoric, as can be seen in the 2nd edition, where Milton accused the royalists of lacking decent rhetoric: from the "new fanatics not of the preaching but the sweating-tub" nothing eloquent could hardly be expected, as "the language of thir infernal pamphlets" testified (CPW 7:452-3). The problem lay in the rabble and their rousers, as "the cause thereof may be ascrib'd with most reason to the frequent disturbances, interruptions and dissolutions which the Parliament hath had" from two sources: "partly from the impatient or disaffected people, partly from some ambitious leaders in the armie" (CPW 7:365, 430). The latter being quite incorrigible, Milton appealed that "if the people, laying aside prejudice and impatience, will seriously and calmly now consider thir own good" (CPW 7:367, 431), the correct way could be seen.

What that way would involve was republican institutions. As has been mentioned earlier, and unlike his contemporaries, Milton neglected the role of institutions in most of his writings. This neglect has result-

ed in claims that, similarly to Nedham, Milton was an ‘anti-formalist.’⁶¹⁹ He has been seen as a writer for whom the very idea of dealing with forms of government was to invite dogma into political life. According to this view, Milton was above all a believer in the liberating power of education, freedom from within and not through forms. While undoubtedly the inner freedom brought by mastering one’s passions is an important part of any early modern discussion of freedom, and is often connected with the role of education, it is a non sequitur to argue that a belief in education necessarily rules out institutional considerations from political thought. The anti-formalist interpretation therefore needs to be qualified – especially since Milton did write about republican institutions in *The Readie and Easie Way*.

To press the point a little bit, my claim is not that *The Readie and Easie Way* proves the anti-formalist argument wrong as such. It is pertinent to take into account the difficult situation of the early 1659, which arguably made it necessary for Milton to stray from his assumed anti-formalism. Yet it is similarly apposite to acknowledge that Oliver Cromwell in his time had gained notoriety for being unwilling to settle the constitution. More to the point, in *The Readie and Easie Way* Milton explicitly argued that “the form of the Commonwealth should have forthwith bin fram’d” when the monarchy was dissolved a decade earlier. (CPW 2:430). It would seem that Milton’s anti-formalist tendencies were not so strong as to deter him completely from dabbling in constitutional forms.

Milton’s approach to republican institutions is intimately linked to his conception of the public sphere and the participants therein. The new approach of institutional arrangements, “for the ground and basis of every just and free government” is in “a general Council of ablest men, chosen by the people to consult of publick affairs from time to time for the common good” (CPW 7:368, 432). It was in the second edition that Milton elaborated on the choosing of the ablest men, which was not through direct elections. We shall return to the details shortly, but it was still in the first edition that Milton presented some of his reasons

⁶¹⁹ Davis, “Against Formality,” pp. 265-88.

for disfavouring elections as building blocks for republican institutions.

In *The Readie and Easie Way*, Milton appears to have developed a fully negative view on tumults in comparison to his earlier works, where there were still some elements of ambivalence left. By 1659, Milton refused to see “how we can be advantag’d by successive Parlements; but that they are much likelier continually to unsettle rather than to settle a free government, to breed commotions, changes, novelties and uncertainties” (CPW 7:369, 434). In a novel twist, Milton, despite being in complete opposition to Harrington vis-à-vis the necessity of rotation of offices, changed his rhetoric to match Harrington’s in the pursuit of continuity: a

Commonwealth is held immortal; and therein firmest, safest and most above fortune; for that the death of a king, causeth oft-times many dangerous alterations; but the death now and then of a Senatour is not felt; the main body of them still continuing unchang’d in greatest and noblest Commonwealths, and as it were eternal (CPW 7:370, 436).

This passage has been noted as the juncture where the balancing act of conservatism and democracy is tilted so that the “counterbalancing, more democratic element” is left out.⁶²⁰ It has also been argued that, despite the differences, *The Readie and Easie Way* should be seen as less democratic, but still as republican as Milton’s earlier works.⁶²¹ However, while analysing Milton’s work through the lens of balancing democracy and conservatism is quite useful, it is not a sufficient explanation of Milton’s approach to elections, rotation of offices and other aspects of political institutions. Of course, it is possible to dismiss Milton’s approach simply by arguing that he is not interested in elections, since he is an elitist and not a democrat. While undoubtedly accurate, this view is unfruitful, due to the fact that as terms elitism and meritocracy are quite difficult to distinguish from one another – they have a fairly paradiastolic character. As mentioned earlier, in some sense all forms of representative democracy aim at elite rule.⁶²²

⁶²⁰ Norbrook, *Writing the English Republic*, p. 412.

⁶²¹ Smith, *Literature and Revolution*, p. 193.

⁶²² Manin, *The Principles of Representative Government*.

As to why Milton is elitist, or meritocratic, one claim is based on psychological differences, in the argument that “it makes perfect sense [for Milton to] enthusiastically embrace the classical republican principle of differential moral and political rationality.”⁶²³ But this fits ill with Milton, considering that a large part of his work is based on the belief in common reason in us all. If people were not capable, in principle, of using right reason, what would be the point of education and inner liberty? Miltonic elitism does not require varying rationality, but rather rests on the possibility of popular enlightenment: the level of education – for example, whether you are a mechanic or an academic – counts more than class or wealth for one’s status. It is he who has learned to use his reason, and is therefore free, that can be a citizen in Milton’s society.⁶²⁴

What really is the significant difference between Milton and the other republicans is the notion of incorruptibility of the citizens. As we saw, the idea that the rotation of offices is necessary to prevent power from corrupting its holders does not surface in Milton’s theory. For him the well educated ‘fit though few,’ virtuous men are infallible in the sense that they should not to be held accountable by the fallible many. Obviously the people will revolt if they are astonishingly bad in government, but Milton does not put forward any arguments as to why the good and educated would be corrupted: surely they’d know better. The question is therefore not about differential rationality, but about meritocracy – with the important distinction that other republicans assumed that power may corrupt, which is completely lacking in Milton’s works. For him, there are the wise and the less wise, of which the wise are, or should be, good men, and from the less wise accordingly less can be expected.

As in his earlier works, the way to create such good men was through

⁶²³ Rahe, *Against throne and altar*, p. 107.

⁶²⁴ The emphasis is on the ‘he,’ as this applies to free adult men only: although Rosanna Cox’s forthcoming work on ‘Milton on free citizens and the politics of the family’ will elaborate on the topic in detail. Underage children, as well as natural slaves are also a different matter: children obviously grow up, but for the status of natural slaves see Jablonski, “Ham’s Vicious Race.”

better breeding and proper education. What is involved in practice is reiterated as the “schools and academies,” where “children may be bred up” to “all learning and noble education not in grammar only, but in all liberal arts and exercises.” Again, the aim was to “soon spread much more knowledge and civilitie” (CPW 7:384, 460) – that is, republican values and language.⁶²⁵ It should be noted that while the course of study is still theoretically applicable universally, these schools were explicitly designed for the propertied classes – nobles, gentry, and wealthier citizens – unlike in e.g. *The Likeliest Means*.⁶²⁶

Milton's promotion of the power of education influenced directly his view of the power of rhetoric. His pamphlet ended with an unremitting emphasis on such power: “few words will save us, well considered” (CPW 7:385, 461),⁶²⁷ and for Milton, their utterance is his “dutie, to speak in season.” They were professedly directed, not to the chosen few that could be expected to benefit from his institutional arrangements, but to the “many wise men in all places and degrees” (CPW 7:387, 462) Those to whom Milton had “spoken perswasion” were assumed to be an “abundance of sensible and ingenuous men.” Despite such abundance of numbers, in opposition remained, nevertheless, the “misguided and abus'd multitude” (CPW 7:388, 463).⁶²⁸

In the second edition of *The Readie and Easie Ways*, Milton added much about the problems of the multitude, as concerns the nature of elections and the right reason in a popular government. The reasons behind the additions were likely to lie in the changing politics: March 1660 saw the end of the Long Parliament after MPs passed the Act of Dissolution and authorised free elections. The Council of State was to exercise executive authority until the new Parliament assembled.

⁶²⁵ Norbrook, *Writing the English Republic*, p. 413.

⁶²⁶ Lewalski, “Milton and the Hartlib Circle,” p. 215.

⁶²⁷ Cf. Machiavelli: “To cure the malady of the people words are enough.” *Discourses*, (1.58).

⁶²⁸ There is a change between the definite and indefinite articles in the two editions, but as such it does not supply much evidence for drawing definite conclusions about Milton's intentions.

Concomitantly, Harrington published *A letter unto Mr Stubbs*,⁶²⁹ where he claimed that in ancient Athens the Areopagus had been the counterweight of popular remedies. It is unknown whether Harrington meant to engage in a theoretical debate with Milton as well, but Milton certainly did do so in the second edition to his book.

Against Harrington, Milton added further arguments against “popular remedies” (CPW 7:437), that is, lower chambers of assembly, arguing from history that “these remedies either little availd the people, or brought them to such a licentious and unbridl’d democratic, as in fine ruind themselves with thir own excessive power” (CPW 7:438). In a similar vein, the argument that “the common sort will be contended to maintain thir own libertie, is by experience found false; none being more immoderat and ambitious to amplifie thir power, then such popularities” (CPW 7:438-9). In Harrington’s scheme the lower chamber would not debate, and Milton attacks such voting “without reason shown or common deliberation” (CPW 7:441).

However, Milton’s argument is not due to his positive views on open debate. Such debate is meant for the learned, and like Harrington, Milton would not suffer at all “the noise and shouting of a rude multitude” (CPW 7:442). Rather, in his Council “only those of them who are rightly qualifi’d” would, after many rounds of choosing from those of “better breeding,” make up the refined Council of “the worthiest.” The key to making this system work lay in mending the “corrupt and faulty education,” teaching the people to appreciate the classical virtues and “to hate turbulence and ambition” (CPW 7:443). To choose and find the “able and worthie men united in counsel to govern us,” will only require “diligence and impartiality” (CPW 7:449), and result in a self-elected, humanist meritocracy.

Milton thus moved slightly towards more popular forms of government – but only as a last resort. In the second edition, Milton specifically addressed the question of popular councils. In theory, such were

⁶²⁹ Published March 1660, written against: Henry Stubbe, *The common-wealth of Oceana put into the ballance, and found too light, or, An account of the republick of Sparta: with occasional animadversions upon Mr. James Harrington and the Oceanistical mode*, London: 1660.

acceptable: if there were to be any popular councils in addition to the senate, "the ballance.. must be exactly so set, as to preserve and keep up due autoritie on either side, as well in the Senat as in the people" (CPW 7:440). But in principle, due to the "popularities" being most "immoderate and ambitious to amplify their power," it was therefore better to avoid such recourses than risk the "licentious and unbridld democratic" (CPW 7:438-9).

On elections and rotation of offices Milton still approached the issue with similarly great suspicion, but after long harangues against changing governments other than through revolutions, Milton suddenly gave in:

Yet if all this avail not to remove the fear or envy of a perpetual sitting, it may be easily provided, to change a third part of them yearly, or every two or three years, as was above mentioned; or that it be at those times in the people's choice, whether they will change them, or renew their power, as they shall find cause (CPW 7:461).

This somewhat pragmatic sop tells more about the state of the republican discourse than Milton's own preferences.⁶³⁰ For Milton, consensual authority was practically meaningless to republican government. Any notion of majority rule that could put liberty at risk should be adamantly opposed: it was clearly better "that a less number compel a greater to retain their liberty," than "a greater number, for the pleasure of their own baseness, compel a less most injuriously to be their fellow slaves" (CPW 7:455).

Milton's opposition to majority rule shows his undaunted belief in one right reason. In Milton's senate reason swayed decisions, and not the political agenda. There was no numbering or computing, on which side were most voices (CPW 7:414). One could not base authority on the strength of numbers, like Harrington had done. For Milton, the argument familiar from Streater that 'the voice of the people is the voice of God' was simply not correct. It was the voice of reason, and natural law that represented the voice of God. For Milton, the critique of not allow-

⁶³⁰ Worden, *Literature and Politics*, also senses in the additions 'the air of hasty insertion', p. 350.

ing people a say in their own matters was not as important as the common good – common good as seen from the viewpoint of reason and natural law. Fundamentally, promoting any system of government, or institutions thereof that might through formal arrangements prioritise a quiet peace or legitimacy of the majority, in favour of reason, truth and natural law, would be quite simply a sin.

As we have seen, the argument for the power of speech is present in *The Readie and Easie Way*, but there is not much on the usefulness of public speech otherwise. The work is nevertheless important in understanding Milton's politics, which ultimately are behind the arguments for open debate found in *Areopagitica* and elsewhere. Namely, those arguments were that consensual authority does not imply right reason, and free speech for all does not guarantee freedom for all. In the end, freedom is, and should be, a status that is cherished, rather than a mere convention to be shed when its usefulness is not immediately obvious.

Besides *The Readie and Easie Way*, the spring of 1660 saw a few more anti-monarchical notes from Milton and Nedham. In late March, Nedham, in *Newes from Brussels*, was still accusing Charles II of cynically courting priests, even though "this Rebellion first bubbled up in Presbyterian Pulpits, yet it's impolitick to say so much: we also know 'tis more for fear of the Phanatiques than for love to us; they now are loyal."⁶³¹ Nedham's antipathy towards religious demagogues remained unabated, but it did little good to his job prospects: in April he was relieved of official duties.

In the beginning of the same month Milton attacked Dr Matthew Griffith in *Brief notes upon a late sermon, titl'd, The fear of God and the king*. Milton saw Griffith as being "one of those deceivers" he had warned about in *The Readie and Easie Way* (CPW 7:355, 469). In the *Brief notes* Milton had his last openly republican moment to attack the abuse of rhetoric, bad learning and ethos in theology: "O notorious abuse of Scripture!," "Bad Logic, bad Mathematics.. but wors Divinitie," whereas Milton's professed approach was to let the words of Scripture "inter-

⁶³¹ [Marchamont Nedham], *Newes from Brussels: in a letter from a neer attendant on His Maiesties person, to a person of honour here: which casually became thus publique*, London: 1660 March 23, p. 4.

pret themselves.” (CPW 7:476). Griffith’s preaching was mainly “meer groundless chat” (CPW 7:477). And as for “preaching open sedition,” it was Griffith who had done it from his pulpit “against the present Government” (CPW 7:485). However, both Milton and Nedham were fighting a losing battle: in May the monarchy was restored to power.

PART VI Post-Restoration era 1661-1681

15. *Exeunt – Harrington and Streater*

The restoration of monarchy put an end to the republican form of government, but not to theories about it. This final chapter aims to show that the fates of the republican writers were as varied as their political writings. In particular, it will be emphasised that, while the different political environment was bound to have an impact, much in their writings was a continuation, in one way or another, of the ideas proposed by the individual authors' earlier work.

For a case in point, we may begin with James Harrington. Although he did not publish anything in print after the Restoration, it is clear from the known manuscripts that he had not moved on from his earlier theories. In *A System of Politics*, Harrington continued to press in an aphoristic form for the need to manage public speech within the institutions of popular government: were the senate to try and promote "any distinct interest," the lower chamber would not be "counsellable, but [would] fall into debate among themselves, and so into confusion" (PW 843). Likewise, the maturity of debate was explicitly defined through the interlocutors, since unbiased debate, "to be mature, cannot be managed by a multitude" (PW 843). From a personal perspective, his persistence did him no favours: Harrington was arrested in 28 December 1661, and apparently had the manuscript of the *System* with him at the time (PW 118). The date of composition is unknown, but the events of the past year evidently did not result in the manuscript's destruction.

Harrington languished in prison for a while, and for reasons we may never certainly know, seemed to have undergone severe mental

and physical problems, which were widely considered to be the reason why he did not write as before (PW xi, 126). The extent of his mental faculties is as unknown as their effect on his next work, *The Mechanics of Nature*, written possibly in 1662. The work is of a different nature to most of his other works, but is perfectly compatible with what he wrote earlier. This is especially so when concerning the natural character of his ideal society, or the ‘cosmology of state.’⁶³² In addition, Harrington’s musings on “Animal Spirits” are evocative in their rhetoric of his view of demagoguery. In all men there “are good or evil Spirits, according to the Matter wherin and wherof they are generated,” and the “stirring, working, or provoking of spirits” has effects accordingly.⁶³³

After 1662, Harrington did cease publishing, and the last text attributed to Harrington is a letter to the Royal Society. The date is assumed to be around 1676, the year before his death. In the letter Harrington claims to have offered, in March 1675, an experiment “to Mr Boyl, S^r William Petty and by the mediation of the latter to S^r Christopher Wren (three of our most famous philosophers),” and was now asking again in writing about his “cleare and easy experiment.” Harrington, “hauing no conveniences” of his own, would have needed “some fit place to shew it in,” such as “some open ground or rather some flat roofof any building (such for example as the painted chamber).” In addition, he needed “an instrument to shew it by,” the cost of which would have not been “aboue six pounds.” As is often the case in grant applications, Harrington showed little modesty in his description of the benefits from his experiment, “more intimately concerning the good of man kinde then any other hetherto contained in the writings or known experience of any of the Philsophers.”⁶³⁴ Questions about the nature of this experiment, as well as the mental status of its proposer, remain unanswered, but it is not implausible that Harrington in his final years

⁶³² G. Rogers, “Harrington, Locke and Aristotle: the Natural and the Unnatural in Commonwealth and Nature,” in *James Harrington and the Notion of Commonwealth*, ed. Luc Borot, Montpellier: 1998, pp. 141-143.

⁶³³ Harrington, “The Mechanics of Nature,” *James Harrington and the Notion of Commonwealth*, ed. Luc Borot, Montpellier: 1998, p. 84 (§11, 15).

⁶³⁴ British Library MS Add 72898, Petty Papers vol XLIX, H 21, f 33.

turned from writing political philosophy to experimenting with it.

However, any study of political writing of the era must take account of the resurgence of censorship, especially through the Licensing of the Press Act of 1662, or ‘An Act for preventing the frequent Abuses in printing seditious treasonable and unlicensed Bookes and Pamphlets and for regulating of Printing and Printing Presses.’ In the explicit view of the monarch, the Act was needed due to “the exorbitant Liberty of the Press” that had “been a great Occasion of the late Rebellion in the Kingdom.”⁶³⁵ As Harrington’s story showed, the law was just making official the policy of suppression that had been ongoing since the actual restoration.

In this respect, the fate of John Streater is to some extent counter-intuitive. He was relieved of his military duties, and returned to printing. He had a few tussles with the law, and was detained several times. However, for reasons unknown, he was given a special exemption from the Press Act.⁶³⁶ What is certain is that Streater did not return to advocating popular republicanism in print. In fact, the *Calendar of State Papers* from 22 March 1663 records Streater claiming “that his sin was in ignorance and that he would be loyal, and not pry into matters of state,” and a few days later, 25 March, a promise by John Streater to “the Bishop of London neither to print nor cause to be printed any works of sedition, heresy, or treason,” and ‘he would try to discover the actors and contrivers of the same.’⁶³⁷ Whether the promises were made under duress need not detain us, as the main point is merely to note that from then on Streater was one of the authors whose interests lay elsewhere than in straightforward political writing.

⁶³⁵ “House of Commons Journal Volume 8: 10 May 1662,” *Journal of the House of Commons: volume 8: 1660-1667* (1802), p. 425.

⁶³⁶ Johns, *Nature of the Book*, pp. 297-9.

⁶³⁷ Donald McKenzie and Maureen Bell, *A Chronology and Calendar of Documents Relating to the London Book Trade 1641-1700. Volume I: 1641-1670*, Oxford: 2005, pp. 501-2.

16. Milton – epic and education

Milton did not recede completely from the republican project, but he was much more of a marked man due to his politics. His books were publicly burned, and he was briefly imprisoned. In the 1660s his main contribution to the world of letters at the time, and also to English literature to this day, was the epic *Paradise Lost* (PL), published in 1667. The status of this work, as well as that of the *Paradise Regained* and *Samson Agonistes* of 1671, creates a few problems for any study aiming to analyse the oeuvre of Milton.⁶³⁸ On the one hand, they cannot simply be left aside, but on the other hand, writing in anything other than a cursory manner would require the writing of a whole another book. The latter option is the one chosen here: I will point out a few items of interest in the poems vis-à-vis the study at hand, but a more detailed analysis of the texts, and engagement with the massive amounts of scholarly literature on them, will be a project for the future. Nevertheless, there are few passages that are worth drawing attention to from the perspective of freedom of speech.

For purposes of brevity, we can take few things in *Paradise Lost* as given: that it is a work of high rhetoric, and the character of Satan is a powerful demagogue.⁶³⁹ The claim in this study is that *Paradise Lost* is, among other things, about Milton's view of the nature of freedom and grounds of authority, against the notion of popular, majoritarian rule, along the lines of his earlier works. We may begin with the debate in Hell, in book II. Satan's role in the debate can be compared to the approach of Tiberius. He opens the consultation by professing openness, and freedom of speech:

⁶³⁸ Edition used: John Milton, *The Complete Poems*, John Leonard (ed.), Penguin Classics 1998.

⁶³⁹ Two useful studies, especially for the historiography of the role of rhetoric in *Paradise Lost*: Wood, "That divine spirit of utterance that moves them"; Ryan J. Stark, "Cold Styles: On Milton's Critiques of Frigid Rhetoric in *Paradise Lost*," *Milton Quarterly*, vol. 37 (1), 2003, pp. 21-30.

by what best way,
 Whether of open war or covert guile,
 We now debate; who can advise, may speak
 (PL 2:40-2).

In the ensuing debate, the demonic speakers give various options, but uniting them all is that they all claim to be speaking for the common good and in morally elevated terms. The descriptions of their speeches show that some of them are merely feigned attempts to turn ignoble acts into noble ones. This is apparent in the speech of Belial:

all was false and hollow; though his tongue
 Dropt Manna, and could make the worse appear
 The better reason, to perplex and dash
 Maturest counsels: for his thoughts were low
 (PL 2:112-5).

In the end, the openness of the consultation is shown to be similarly feigned. The clinching argument comes from Beelzebub, who

Pleaded his devilish Counsel, first devised
 By Satan, and in part proposed
 (PL 2:378-9).

After manipulating thus the vote, Beelzebub flatters his audience, on how:

Well have ye judged, well ended long debate
 (PL 2:390).

With the help of his proxy, Satan's machinations have resulted in his preferred choice for future action. Thus, there is no further need for debating about them, as he declares his own word final:

Thus saying rose
 The Monarch, and prevented all reply
 (PL 2:466-7).

What the debate in Hell presents is not only the ease of manipulation in the deliberative and electoral processes, and the omnipresence of demagogic politicians. Furthermore, it is the aforementioned argument

by Belial, which shows the nature of freedom in the presence of an almighty God. Beelzebub's argument is that the devils in Hell can have all the popular votes they want, but they are never free from God's omnipotent power:

the popular vote
 Inclines, here to continue, and build up here
 A growing Empire; doubtless; while we dream,
 And know not that the King of Heav'n hath doomed
 This place our dungeon, not our safe retreat
 Beyond his Potent arm, to live exempt
 From Heav'n's high jurisdiction, in new League
 Banded against his Throne, but to remaine
 In strictest bondage, though thus far remov'd,
 Under th' inevitable curb, reserv'd
 His captive multitude:
 --- for what peace will be given
 To us enslaved, but custody severe,
 And stripes, and arbitrary punishment
 Inflicted
 (PL 2:313-323, 332-5).

Understandably the question that raises from Beelzebub's depiction is whether Milton agrees that such arbitrary rule can ever be allowed, even by a benevolent God. That debate involves theological issues that will not be resolved by this study, what is proposed here is that the mockery of political institutions in Hell is related to Milton's view of the grounds of true authority – right reason, nature and, ultimately, God.

In book V, Milton continues to present the folly of voting over matters that are not questions of opinion but right reason. In an audience predisposed to evil ways, it is Satan, as the more powerful demagogue, who gets the better of Abdiel. Though his speech is based on reason and truth, the delivery fails utterly:

So spake the fervent Angel, but his zeale
 None seconded, as out of season judg'd,
 Or singular and rash, whereat rejoiced
 Th' Apostat
 (PL 5:849-52).

Truth will win in an open competition, but not for those who have willingly turned their backs to reason. Abdiel is as the Stoic man of the Horatian ode,⁶⁴⁰ who stands by right reason against the false opinions of the masses:

Among the faithless, faithful only he;
 Among innumerable false, unmoved,
 Unshaken, unseduced, untterrified
 His loyalty he kept, his love, his zeal;
 Nor number, nor example with him wrought
 To swerve from truth, or change his constant mind
 Though single
 (PL 5:897-903).

Abdiel's actions are firmly shown to be the correct ones by God in book VI:

Servant of God, well done, well hast thou fought
 The better fight, who single hast maintaind
 Against revolted multitudes the cause
 Of truth, in word mightier then they in arms;
 And for the testimony of truth hast born
 Universal reproach, far worse to beare
 Then violence: for this was all thy care
 To stand approved in sight of God, though worlds
 Judged thee perverse: ...
 ... and to subdue
 By force, who reason for their law refuse,
 Right reason for their Law
 (PL 6:29-37, 40-42).

When Abdiel meets Satan again, he has a chance to elaborate on the nature of servitude to Satan. The grounds for governing are to be based on right reason, whereas basing it on demagoguery, even in the name of liberty, results in everyone being reduced to slavery – the followers as well as those who profess to lead, who are merely slaves to their own

⁶⁴⁰ “The man who knows what’s right and is tenacious/ In the knowledge of what he knows cannot be shaken,/ Not by people righteously impassioned/ in a wrong cause.” Horace, *The odes of Horace*, New York: 1997, iii.3, lines 1-4.

passions.

Unjustly thou depriv'st it with the name
Of Servitude to serve whom God ordains,
Or Nature; God and Nature bid the same,
When he who rules is worthiest, and excells
Them whom he governs. This is servitude,
To serve th' unwise, or him who hath rebelled
Against his worthier, as thine now serve thee,
Thy self not free, but to thy self enthralled
(PL 6: 174-181).

In the concluding book of the epic, the nature of true freedom is explained to the first man as well. Without reason, any hope of liberty is lost. For true personal freedom, one unable to control one's passions, is a slave to them and thus unable to have anything reasoned, rational and useful to say. Giving power to such men would make government to be accordingly devoid of reason, and similarly unfree.

Rational liberty; yet know withal,
Since thy original lapse, true liberty
Is lost, which always with right reason dwells
Twinned, and from her hath no dividual being:
Reason in man obscured, or not obeyed,
Immediately inordinate desires
And upstart passions catch the government
From reason, and to servitude reduce
Man till then free
(PL 12:82-90).

A few years after the publication of *Paradise Lost*, Milton returned to these same themes in *Paradise Regained*. There, through the character of Jesus, Milton continued the promotion of right reason as a way to reaching true, inner liberty, against the demagogic slavery to passions, entailing loss of freedom for all. In book II, the rule over one's own self is brought forth:

Yet he who reigns within himself, and rules
Passions, desires, and fears, is more a king;
Which every wise and virtuous man attains:

And who attains not, ill aspires to rule
 Cities of men, or head-strong multitudes,
 Subject himself to anarchy within,
 Or lawless passions in him, which he serves
 (*Paradise Regained*, 2:466-72).

In *Paradise Lost* the rightful ruler was God, so in the world of men proper government takes place in the spirit of God, by men living according to reason and thus free:

But to guide nations in the way of truth
 By saving doctrine, and from error lead
 To know, and knowing worship God aright,
 Is yet more kingly; this attracts the soul,
 Governs the inner man, the nobler part
 (*Paradise Regained*, 2:473-8).

What was earlier referred to as 'head-strong multitudes,' is developed further in the next book, against Satan's proposal that Jesus could govern the masses directly, not merely through his teachings. The answer is a concise portrayal of Milton's view of popular politics – a world of useless climbing of the greasy pole, wise men trying to gain approval through popular assent when none would be needed.

And what the people but a herd confused,
 A miscellaneous rabble, who extol
 Things vulgar, and well weighed, scarce worth the praise?
 They praise and they admire they know not what;
 And know not whom, but as one leads the other;
 And what delight to be by such extolled,
 To live upon their tongues and be their talk,
 Of whom to be dispraised were no small praise?
 His lot who dares be singularly good.
 Th' intelligent among them and the wise
 Are few, and glory scarce of few is raised
 (*Paradise Regained*, 3:49-59).

Milton's vision of politics entails free speech for the wise and few, but there is very little point or purpose in engaging in public speech. Not even for the purposes of education, the task of which is undoubtedly

important in creating the intelligent few, but for those who would give away their freedom there is little hope of salvation. In the final book of the poem Jesus gives as an example of this the Romans:

What wise and valiant man would seek to free
These thus degenerate, by themselves enslaved,
Or could of inward slaves make outward free
(*Paradise Regained*, 4:143-5).

If Milton in the post-Restoration era still held any hopes that through his writings liberty could be promoted, they were certainly deeply buried from view in his poetry. It was to education that he returned in his final works.

During the last years of his life, Milton's role has been characterised as that of an oppositional educator, beginning in his *Accedence Commenc't Grammar* of 1669, where he inserted subversive examples so as to bring in, for example, "the voice of the republican Cicero."⁶⁴¹ Further examples to the same effect can be found also in the *Art of Logic* of 1672, where having to deal with the terms adverse, counsel and chance, Milton used Cicero's *Pro Marcello* when arguing how "temerity is never mingled with wisdom, nor is chance admitted to counsel" (CPW 8:263).

The strand of republicanism in this subversion is still very much Milton's own. This can be seen in the example on the testimony, taken from Cicero's *De natura deorum*: "In disputation one should seek not so much authorities as weight of reasons." This is followed by a caveat: "but in civil and human affairs, when an action is the object of inquiry, this argument commonly produces special conviction in view of the moral character of the person arguing, if prudence, honesty, and benevolence are present" (CPW 8:318). Milton kept returning to the argument that ethos remains the crucial factor in reasoned political rhetoric. For the view from the side of audience, there was also included an example on how the basic "cause of the killing of Christ was the ignorant zeal of the Jews," while the "seditious speeches" were merely

⁶⁴¹ Barbara K. Lewalski, "'To Try, and teach the Erring Soul': Milton's Last Seven Years," in *Milton and the Terms of Liberty*, eds. Graham Parry and Joad Raymond (Cambridge: 2002, pp. 175-6.

the inciting cause (CPW 8:224-5). The cause and effect of the act itself, and the predisposition of the audience, are shared in their guilt – demagogues were only as powerful as their audience is willingly erring.

In *Of True Religion* of 1673, his only explicitly political tract of the post-Restoration era, Milton returned once more to the topic of religious controversy. He defended “the Authors or late Revivers of all these Sects or Opinions” by the argument that they “were Learned, Worthy, Zealous, and Religious Men” with “many Eminent and Learned followers.” Armed with such ethos, they should be tolerated accordingly, allowing them “on all occasions to give account of their Faith, either by Arguing, Preaching in their several Assemblies, Publick writing, and freedom of Printing” (CPW 8:426). But as in *Areopagitica*, this policy applied only to protestants, as it was the papists whose policy remained “perpetually to seduce, corrupt, and pervert as many as they can of the People” (CPW 8:430). Against them there was little reason to “condescend to dispute,” as they would not submit to proper debate (CPW 8:432). But for the “Learned man” there was much to profit “by reading Controversies, his Senses awakt, his Judgement sharpn’d, and the truth which he holds more firmly establish’t.” Milton compares reading of controversies to an exercise in logic, where “contraries laid together more evidently appear: it follows then that all controversies being permitted, falshood will appear more false, and truth the more true.” This will benefit “the general confirmation of unimplicit truth” (CPW 8:437-8). As can be seen, Milton did not retreat from his general view of freedom of speech, as an important right for those sages who can benefit from it.

For an acute example of such a sage in the political life, we could do worse than to turn to the *History of Britain*, which also gives us a concluding example of the three main aspects that lie behind Milton’s right of public speech: the glory of ideal leaders, the dangerous consequences of straying from the true path, and keeping the unworthy and uneducated away from the public sphere.⁶⁴² To begin with Milton’s account of Agricola, it reflects not just his view of the ideal statesman, but

⁶⁴² The work was published in 1670, but the date(s) of its writing are still uncertain: see Worden, *Literature and Politics*, pp. 410-426 for a recent account of the controversy.

also, and specifically the skills of one: Agricola allured the people with “his gentle demeanour,” gave his time to “worthie actions; teaching and promoting like a public Father the institutes and customes of civil life.” By persuasion – “praising,” “quick’ning,” “assisting” – he “turn’d the name of necessitie into an emulation.” Also, Agricola’s educational views are noteworthy: “he caus’d moreover the Noblemens Sons to be bred up in liberal Arts.. brought them to affect the Latine Eloquence.” Unfortunately, the worse aspects of Roman life, “vice, and voluptuous life” among others, “which the foolisher sort call’d Civilitie,” came also. Similarly to his own era, Milton saw the enticement of luxuries and false elegance as “a secret Art to prepare” the people “for bondage” (CPW 5:85).

If Agricola brought together wisdom, reason, eloquence and education, the *History of Britain* also included examples of the worst aspects of abused rhetoric. In Milton’s account of Gildas’ *De Excidio* “Evil was embrac’d for good, wickedness honour’d and esteem’d as virtue” (CPW 5:139). The account extends to the clergy: “All things were done contrary to public welfare and safety; nor only by secular men, for the Clergy also, whose Example should have guided others, were as vitious and corrupt” (CPW 5:140). There is undoubtedly a strong similarity to Thucydides’ depiction of Corcyra: “Sincerity (whereof there is much in a generous nature) was laughed down: and it was far the best course, to stand diffidently against each other, with their thoughts in battle array, which no speech was so powerful, nor oath terrible enough to disband.”⁶⁴³

Finally, in the *Digression* to the *History* Milton brought forward the problem of non-virtuous and improperly educated people in the councils of the commonwealth, as shopkeepers and other people “without other merit” failed in their duties, “as their breeding was” (CPW 5:444-5). Antipathy against “Church-men” and the “counterfeit zeal of their Pulpits” ran high. It is because “liberty hath a sharp and double edge, fit only to be handled by just and vertuous men,” that, when led by wrong leaders, the commonwealth is doomed to a “corrupt and degenerate age” (CPW 5:448-9). Proper education would have been the

⁶⁴³ Thucydides, *Peloponnesian War* (3.83), Hobbes tr.

key to having “men able to govern justly and prudently in peace” for it requires “minds well implanted with solid and elaborate breeding.” What such learning consists of is “ripe understanding, and many civil virtues.. imported into our minds from forreign writings, and examples of best ages” and “in the knowledge of antient and illustrious deeds” (CPW 5:450-1).⁶⁴⁴ Milton’s civic humanism embraced the idea of classical wisdom, but not republican liberty, for all.

17. Nedham’s last works

During the immediate post-Restoration era, Nedham’s political writings were much less in demand. An alternative to desisting from writing altogether was to write on topics that, although not blatantly political, would in less contentious ways be still connected to the pursuit of ideal society. For the authors with background in teaching, the issue of education was a way to put forward some republican ideals in an environment otherwise hostile to them. As usual, Nedham survived the Restoration of monarchy unscathed, and in 1663 he returned to the public sphere with a treatise on schools and education.

In *A discourse concerning schools and school-master*, Nedham promoted the classical education, and thus the study of rhetoric as essential ingredients of proper upbringing. Nedham’s pupils would “practise to talk Latine fluently,” and “poure forth Verses and Declamations extempore.” Such expertise would come via the thorough study of classical authors, and “the Critical parts of Philology,” “the Elegancies of [Latin], and the Customs of Antiquity.” His curriculum – “The first Classe, Grounds of Grammar, declining Nouns and Verbs. The second, Congruitie of Latine. The third, Proprietic and Phrase. The fourth, Oratory and Rhetorick. The fifth, Poetry and Verse. The sixth, Greek grounds. The

⁶⁴⁴ This could be a later addition from 1670, before the text’s publication: Lewalski, “To try, and teach the erring Soul,” p. 176. But Loewenstein, *Representing Revolution*, p. 189 would date the antipathy to clergy to the campaign of 1649.

seventh, Dialect. The eight, Antiquity and Philology" – is a good representative of the seventeenth century humanistic education.⁶⁴⁵

However, despite the prevalence of humanistic ideals in education, not everyone was educated thus, and Nedham fretted especially over the elite. "What hopes may we entertein of posterity," he asked, "when the better sort are sent over to forreign Schools of vice, to learn fashions to court mistresses, dance à la mode and swear with grace."⁶⁴⁶ Thus, the point was not so much in pedagogical innovation, as bringing to the fore the importance of the humanist elite: "How many Erasmusses, and Melanchtons, and Scaligers, and Puteans, and Vossiusses, should we have amongst us in a short time, if Literature were but thus encouraged?"⁶⁴⁷

Instead of creating courtiers, the purpose of Nedham's discourse is to present a "Cycle of Knowledge" that will prepare the youth for "publick Service": their education is "one of the greatest concernments of the Nation." After the Restoration, Nedham still promotes the ideal of the *vita activa*, inherent in rhetoric and other liberal arts. To Nedham, the current state of education hinders the creation of active citizens, especially "in the Universitie, where Colledge-Commons, and the Walks, (if not good fellowship) indispose many for the duties of an Active life." To him, the whole point of allocating resources to academics is their instrumental role in society: "to say Truth, what have they those Fellowships and Allowances for, but to serve the publick."⁶⁴⁸

Most significantly, Nedham would not abstain from returning to his favourite bugbear, the problem of clerical demagoguery. Writing about the new religious private schools Nedham claimed that despite the dangers of demagoguery from the church pulpit, it would have been much better to keep the priests in their churches and away from the schools, since "they will do ten times more mischief now amongst the Lambs, then they could have done amongst the Sheep." And instead of creat-

⁶⁴⁵ Marchamont Nedham, *A discourse concerning schools and school-masters: offered to publick consideration*, London: 1663, pp. 10, 13.

⁶⁴⁶ Cf. Milton's views of false elegance in the *History of Britain* (CPW 5:85).

⁶⁴⁷ Nedham, *A discourse concerning schools*, pp. 2, 10

⁶⁴⁸ Nedham, *A discourse concerning schools*, pp. 1, 9, 11.

ing humanists out of schoolboys, in the current system of education the church “Pulpit is made their ultimate design”: once they would start the life of preaching, the students would “lay their studies of Humanity aside.”⁶⁴⁹

The views presented here lend further support to the argument that Nedham’s approach to priests continued to be based more on the effects of their power through rhetoric, than on any religious function the priests might claim to have. It also sheds more light on Nedham’s republicanism. For example, it has been argued that Nedham was a forebear to the more modern concepts of secular republics and the separation of church and state.⁶⁵⁰ However, castigating the priests for abusing rhetoric while opposing values and ideals important to Nedham, is a more plausible explanation considering the historical context, than simply stamping him with as a “founding father” *avant la lettre*. We should not try and read in a facile manner any enlightenment values into Nedham’s antipathy to religious demagoguery.

For a few years before his death in 1678, Nedham returned to the public sphere, aligning himself once more with the side of the monarchy. His final works are as important as his earlier, better known works in giving us insights on his views on the uses of rhetoric and the notion of free speech. Also, they help lay to rest some of the false assumptions about interest theory. As mentioned in the introduction, it has been argued that interest theory was tainted by its connection with royalism. This connection has led some scholars to conclude that writers like Nedham defined classical republicanism as being against monarchical reason of state, drawing from sixteenth-century Christian humanist culture.⁶⁵¹ However, this is better explained simply in terms of the political climate of the Puritan Commonwealth, considering that even after the Restoration writers contrasted self-interest with the ethic expected of a citizen in his political relations. This applied also to Ned-

⁶⁴⁹ Nedham, *A discourse concerning schools*, pp. 7, 10.

⁶⁵⁰ Rahe, “An inky wretch.”

⁶⁵¹ Scott, “Classical republicanism in seventeenth century England and the Netherlands,” pp. 70-1; Marchamont Nedham, *Mercurius Politicus*, no. 108, London: 1652, p. 1693.

ham, who in 1652 had argued against reason of state as “*Kingcraft*,” now in 1678 wrote in *Christianissimus Christianandus* on behalf of the monarchy against the French: “their only Rule *Interest of State*; so that the *Faith of Treaties*, the *Good of Religion*, or the *Ties of Blood and Amity* cannot hold them.”⁶⁵² As argued before, the crucial factor in the debate about reason of state was the old struggle between morals and utility, rather than merely the form of government involved.

As with interest theory, Nedham also carried on the approach to rhetoric familiar from his earlier political positions. He continued to promote rhetorical ideals, and attacked his opponents’ bad use of rhetoric. In *A packet of advices and animadversions, sent from London to the men of Shaftsbury*, Nedham corrected the Earl of Shaftesbury in his use of deliberative rhetoric (“In all Debates about the high Points of Polity”) about both the delivery and the decorum: “every Expression ought not only to be season’d by the Speaker, *cum grano Salis*; but to be understood so also by the Hearers.”⁶⁵³ As for the parliamentary privilege of free speech, Nedham was similarly ready to circumscribe it, if the greater good required limitations. Thus he could promote an oath of allegiance, maintaining that it did not preclude parliamentary deliberation, and any possible changes brought about by the oath would not cause any loss of liberty in the representatives’ actions. Parliamentarians would not “reckon themselves so bound up by the Oath, as to lose their power and liberty to debate and resolve upon such Alterations afterward in the Establishment as shall be found needful.”⁶⁵⁴

Likewise, after the Restoration Nedham made no efforts to promote any forms of popular free expression. In *A packet of advices and animadversions*, he referred to the parliamentary struggles Shaftesbury participated in in 1675. Among the reprehensible actions of that year was the spreading of prints, where “the Debates and Contestings of Parlia-

⁶⁵² [Marchamont Nedham], *Christianissimus Christianandus: or, Reason for the reduction of France to a more Christian state in Europ*, London: 1678, p. 62; Gunn, “Interest Will Not Lie,” p. 555.

⁶⁵³ [Marchamont Nedham], *A packet of advices and animadversions, sent from London to the men of Shaftsbury*, London: 1676, p. 43.

⁶⁵⁴ Nedham, *A packet of advices*, pp. 11-12.

ment” were exposed to the “Scorn and Contempt of the Vulgar.” The effect of this was “to Poison mens minds, and render the Government Ridiculous.”⁶⁵⁵ Nedham returned to the events of 1675 in *Honesty’s best policy* of 1678, reproaching the “Crafty Tricks, with Loud Popular Clamors, and Long Speeches of their correspondents in Parliament, with other Machinations.” That this was done “under the Sacred shelter and Claim of *Free Speaking*, and Priviledge,” was even more reprehensible. It was an abuse of granted privileges, and not a “honest *English* way to bring on *New Parliaments*.”⁶⁵⁶

The main abusers of freedom of speech were, as always, the demagogues. In *A packet of advice*, when considering “Seditious (if not Treasonous) Speeches,” Nedham’s main accusation remained one of “mis-leading people” by political spin, with the purpose of preparing a mutiny.⁶⁵⁷ But whereas earlier this accusation was laid at the Levellers door, in 1676 Nedham was writing for the royal side, and his opponent was then likened to “the curious *Preachers* of the Mystery of *King-killing* among the Jesuites” – that is, papist and regicidal.⁶⁵⁸ Like Hobbes and many other writers of the time, Nedham laid the blame for the civil war on the demagogues in the parliament. The “*Tribunitial Orators*” caused a “*Fiery Faction*” (metaphors of fire were, and remain common in respect to demagogues: compare firebrands, fanning flames of faction, etc.) and the parliamentary process was brought to a halt by “*quarrelling Speeches* and Debates.”⁶⁵⁹ To deal with the troublemakers, Nedham referred to Lord Carlisle as someone who has had to witness “too many Experiments of *Malcontented Demagogues*, and their little Tricks” and thus has the experience on how to deal with them.⁶⁶⁰

Nedham’s views of the demagoguery of the 1670s bring under discussion the idea of the public sphere, as propounded by Jürgen Haber-

⁶⁵⁵ Nedham, *A packet of advices*, p. 56.

⁶⁵⁶ [Marchamont Nedham], *Honesty’s best policy: or, Penitence the sum of prudence*, London: 1678, p. 12.

⁶⁵⁷ Nedham, *A packet of advices*, pp. 13, 19, 24, 37

⁶⁵⁸ Nedham, *A packet of advices*, p. 19.

⁶⁵⁹ Nedham, *A packet of advices*, pp. 58-60.

⁶⁶⁰ Nedham, *A packet of advices*, p. 46.

mas. Crudely put, Habermas saw the role of public places of convening, such as the late-seventeenth-century coffee-shops in England, as essential in creating the informed public engaging in rational, political debates.⁶⁶¹ The notion of a public sphere is largely accepted, even though there is a strong demand for a “more nuanced model of popular political opinion founded on the realities of seventeenth century discussion, on the nature and languages of debate.”⁶⁶² The role of the printing revolution has understandably been at the forefront in attempts at refining the practicalities of the public sphere, but it is with the specific location of the coffeehouse that the study of Nedham will conclude.

Nedham had written critically of the coffeehouses in the past. For example, in the first number of *The Observer* in 1654, Nedham mocked “the Three-penny Clubs, those little Academies of the City.” They were “so fuddled with News, Theologie and Policy, that the Devill of *Delphos*, and Mr *Hobbs* never thought themselves more wise in oracles of State and Divinity.”⁶⁶³ In the 1670s Nedham was more serious in his critique about the same places. In *Honesty's best policy* he described how during the past few years “Clubs and Committees of good Fellowship and Sedition were erected.” Such a reprehensible association, “as an Academy for inventing Seditious and Treasonable Pamphlets” would then “*coyn News* for the *Coffee-houses*,” with “Directions how to Print and Spread them.”⁶⁶⁴ In *Christianissimus Christianandus* he would write against the “ominous Birds” of “licentious Liberty,” denoting “*News-mongers*” in various places political activity, among them the “*Coffee-Houses*.”⁶⁶⁵

Nedham's criticism is to a certain extent a vindication of Habermas' theory, as it pertains to politics as the topic of discussion – even if the normative account would be different. However, what is left open in Habermas' theory is the question of how the debates were actually

⁶⁶¹ Jürgen Habermas, *Strukturwandel der Öffentlichkeit: Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft*, Neuwied: 1969.

⁶⁶² Raymond, “Newspaper,” p. 129.

⁶⁶³ Nedham, *The Observer*, no. 1, Oct 24 – 31, 1654, p. 1.

⁶⁶⁴ Nedham, *Honesty's best policy*, p. 11.

⁶⁶⁵ [Marchamont Nedham], *Christianissimus Christianandus: or, Reason for the reduction of France to a more Christian state in Europ*, London: 1678, p. 73.

conducted – what was the ‘nature of debate.’ For example, as pertains to Milton’s reception in the post-Restoration era, it has been argued how “an evolving ‘coffee-house style’ increasingly acknowledged competing interests debated in a public sphere broader than the forum Milton prefers” and how “the rhetorical splendour of Milton’s prose made him vulnerable to the coffee-house style of his antagonists.”⁶⁶⁶ However, splendour aside, the ‘coffee-house style’ was also born from the culture of rhetorical learning. This is most clear in Nedham’s narration, in *Christianissimus Christianandus*, of an event in “a certain Cabal of *Coffee-mongers*,” where having overheard a political discourse, a person stepped up to the debaters and “said honestly” how he wondered at such sudden changes of opinion. The man then inferred how there must be “*some Secret Intrigue and Reserve in the Heart, when the Tongues go at so rolling a rate,*” and how “*they are a sort of people tutor’d to this Tune, to argue Pro and Con by Turns, as their own Occasions alter.*”⁶⁶⁷ The basic foundation of the public sphere of the time was in rhetoric.

18. Epilogue: Henry Neville

This study has been mainly about five republican authors who wrote during the 1640s and 1650s, but since this last chapter has been about the later writings of the same authors, it is worthwhile to include by way of an epilogue an author who was of the same generation, but wrote his most important political work, *Plato Redivivus*, only after the other five had ceased to do so, in 1681. Henry Neville (1620-1694) had a close relationship with James Harrington and his work, to such an extent that in parts of the scholarly literature he is referred to simply as a ‘neo-Harringtonian.’⁶⁶⁸ As this study is less concerned with questions of

⁶⁶⁶ Nicholas von Maltzahn, “From pillar to post: Milton and the attack on republican humanism at the restoration,” in *Soldiers, writers and statesmen of the English revolution*, eds. Ian Gentles, et al., Cambridge: 1998, pp. 265, 274.

⁶⁶⁷ Nedham, *Christianissimus Christianandus*, p. 76.

⁶⁶⁸ Starting from Pocock, *Machiavellian Moment*, p. 421; and recently challenged by

attributing influence, the focus of the analysis is on what Neville's own work tells us about the topic of public speech.

Before considering his main opus, it is useful to consider, even if briefly, some of his earlier works. Neville touched quickly upon the topic of societal arrangements in the *Isle of Pines* (1668), where he asserted how "in multitudes disorders will grow." This was a natural development causing problems only if left unchecked: "where the Hedge of Government is once broken down, the most vile bear the greatest rule." Similarly, we can see Neville's preference of institutions over individual virtue in his ascertainment of legal development: how "bad manners produceth good and wholesome Laws for the preservation of Humane Society."⁶⁶⁹ Also, judging from Neville's correspondence it can be claimed that Neville was aware of the divisions between abuses of rhetoric: following the republican tradition, he accused the "two infamous factions, the courtiers and the madmen of the people" i.e. flatterers and demagogues of trying to bring about in one case "tyranny, the other anarchy and confusion."⁶⁷⁰

Plato Redivivus (PR)⁶⁷¹ was set as three dialogues. In the first one the theme of deference was set, or as Neville put it: "after some compliments and conversation of course, they began to talk of political matters" (PR 72). Accordingly, the participants go through the modalities of polite discussion, complimenting the "good conversation," "this kind of civility," while claiming not to succumb to overt flattery etc. (PR 74-5). What might seem a needless digression on the importance of manners, in what is presented as an overtly political text, was an attempt by Neville at mimesis, to set the stage for a record of conversation. Neville purported to avoid having his work seen as a "studied discourse fitted

Gaby Mahlberg, *Henry Neville and English Republican culture in the seventeenth century. Dreaming of another game*, Manchester: 2009.

⁶⁶⁹ Henry Neville, *The Isle of Pines, or, A late discovery of a fourth island near Terra Australis Incognita* by Henry Cornelius van Sloetten, London: 1668, pp. 17-18, 26.

⁶⁷⁰ Anna Maria Crinò, *Fatti e figure del seicento anglo-toscano, documenti inediti sui rapporti letterari, diplomatici, culturali fra Toscana e Inghilterra*, Firenze: 1957, pp. 205-6 (27 Sept. 1680).

⁶⁷¹ Page references are to the version Henry Neville, "Plato Redivivus" [2nd ed., 1681] in *Two English Republican tracts*, Caroline Robbins (ed.), Cambridge: 1969.

for the press, and not a familiar dialogue" (PR 76).⁶⁷²

It should also be noted that the conversation Neville has in mind is not an aggressive political debate. Although some streams of theory on polite conversation argued against politics as a topic, Neville's dialogue can be seen in the Ciceronian tradition of *sermo* in *De Officiis*, where the topic of discussion can be politics, but the aim is not victory over others at any price.⁶⁷³ Neville's aim is to present an eirenic dialogue of good repute, "amongst gentlemen and men of sense," not one where the speakers would – "like sophisters in a college" – "dispute rather for victory, than to discover and find out the truth" (PR 77). Neville's attempt at persuasion was through conversation not lecturing: towards the end of the dialogue, Neville issued a somewhat ironic demurral how he would not presume "to teach our senators wisdom," and only dares to hope that "possibly some of these notions might fall in, at ordinary conversation" (PR 195).

In the printer's preface, the publisher, S.I.,⁶⁷⁴ argued along the same lines, how the work was not a political harangue but "ordinary conversation amongst private friends." This claim was supported by the "the plainness and easiness of the style" and "the familiarity of the words and expressions," as the rule of decorum demanded (PR 69-70). Similarly, the title of the work was due to the genre, as "Plato ever writ these high matters in easy and familiar dialogues." Thus Neville "did imitate

⁶⁷² Blair Worden sees the dialogue form as an option that "allows for a detached and exploratory tone that disguises the radicalism of the work": Blair Worden, "Republicanism and the Restoration, 1660-1683," in *Republicanism, Liberty and Commercial Society 1649-1776*, ed. David Wootton, Stanford: 1994, p. 148.

⁶⁷³ Another topic considered impolite was religion, to which Neville gave similar, if somewhat strained credence: "I am sorry that in the prosecution of this argument, I shall be forced to say something that may not be very pleasing to this worthy gentleman, we being necessitated to discourse with prejudice of that religion [Roman Catholic] which he professes; but it shall be with as little ill breeding as I can, and altogether without passion or invectives" (PR 153). Neville also asserted how "it is never very civil" to discourse of religion (PR 118) – after several pages of diatribes against the clergy.

⁶⁷⁴ Mark Knights has argued convincingly that S.I. refers to John (Iohannes) Starkey, initials reversed: Mark Knights, "John Starkey and Ideological Networks in Late Seventeenth Century England," *Media History*, 11(1/2), 2005, pp. 132-133.

his way of writing, as to the manner of it, (though not the matter).” This unconvincing line is further discredited by the complaint how “although talking of state-affairs in a monarchy must needs be more offensive, than it was in the democracy where Plato lived” (PR 69).

Inevitably, the strategy of demurral hardly being foolproof, Neville’s work was attacked for being a political work.⁶⁷⁵ After the Glorious Revolution of 1688, when the work was republished as *Discourses Concerning Government* (1698), Alan Baldwin did not bother with euphemisms in his preface and wrote simply how: “These Discourses were privately Printed, and Handed about, in K. *Charles* the Second’s Reign; but now in this *Reign*, when *Truth* is better Entertained, I have thought good to make them more Publick, for the Benefit of my Country.”⁶⁷⁶

To a large extent, Neville presented the customary republican arguments on society, in which he did not diverge from the traditions. He followed the Ciceronian argument of society being brought together by an orator, a good man skilled in speech, and held together by the subsequent agreement of the people. “I think this must be taken for granted, that whatsoever the frame or constitution was first, it was made by the persuasion and mediation of some wise and virtuous person, and consented to by the whole number” (PR 85).⁶⁷⁷

At the same time, Neville brought one part of the tradition to the fore: land reform. Neville insisted how “in all times and places,” whenever a government had been founded “by gathering people together, to build a city,” the founders “did always very maturely deliberate under what form or model of government they meant to live; and accordingly made the partition of the possessions” (PR 94). This is a, or even the, running theme in *Plato Redivivus*: rhetoric, as well as other aspects of

⁶⁷⁵ Thomas Goddard, *Plato’s demon, or, The state-physician unmaskt being a discourse in answer to a book call’d Plato redivivus*, London: 1684; W.W., *Antidotum Britannicum, or, A counter-pest against the destructive principles of Plato redivivus wherein His Majesties’s royal prerogatives are asserted, and the ancient rights of the imperial crown of England are vindicated against all innovators*, London: 1681.

⁶⁷⁶ Henry Neville, *Discourses Concerning Government*, London: 1698, “To the Reader,” n.p.

⁶⁷⁷ Or as glossed later: “a politician (as well as an orator) ought to be an upright man” (PR 167).

the republican problematic is still present, but the importance of land reform rises to the fore consistently.

Neville presented classical examples of successful persuasion, such as the story of Themistocles and Aristides. In this, Themistocles suggested to Aristides in secret that the Athenians could destroy their allies' ships in order to rule the seas alone. Keeping the details secret, Aristides told the Athenians that Themistocles' plan was "indeed very advantageous and profitable to the Athenians; but withal, the most wicked and villainous attempt that ever was undertaken" (PR 173). Consequently, the plan was shelved.⁶⁷⁸ Aristides managed to persuade people to shy away from the immoral action despite its advantages. Neville used this story to clear himself of trying to support democracy, claiming that "the same judgement do I give" of "democracy, *at this time*" (PR 173, my italics). This ambiguity leaves open whether Neville supported Themistocles' type of reason of state- thinking or not.

Neville followed the pre-Hobbesian political tradition, shared by both republicans and monarchists, of portraying rhetoric as a positive weapon of crowd control. For Neville, "the best and most perfect commonwealths that ever were" assigned the proper role to the senators: they "made ready things for the more populous assemblies," they "reduced the people to a calmer state," and, through this, helped the people "to come to themselves" (PR 130).⁶⁷⁹ This gave some leeway for the power of persuasion, yet if we reflect on the classical examples given by Neville, the shortcomings of rhetoric were made apparent as well.

Neville supplied the story of Solon of Athens, who "harangued daily to the nobility and people" to pursue land reform. But even as the Athenians "were all sensible of his reasons," his policy "would not at all be digested." This led to "an uproar" where the people wanted Solon to become a monarchical ruler. Instead, Solon, through his personal example, led the land reform, which, once successful, led to a "new model

⁶⁷⁸ Story is from Plutarch, *Life of Themistocles*.

⁶⁷⁹ Neville's senate would have been unelected, as the qualities expected of the senators could be supplied by the existing upper house of Parliament. Not without reason, Worden sees this as a selling point for Neville's theory: Worden, "Republicanism and the Restoration," p. 152.

of government, and laws suitable to a democracy” and subsequent glory (PR 95-6). In Neville’s interpretation, the story of Solon is notable for the failure of persuasion to get people to look beyond their personal and after the common interest. Neville did not take the Hobbesian way out: Solon had his way not by tyranny, but through example. Nevertheless, despite the failure of rhetoric in persuading the people, Neville did not present uproars or demagoguery as the main threats to the Athenian republic. Foreign threats, as well as those from tyranny and from failure to put public interest ahead of private, were presented as more serious problems.

From other instances it can be reasonably inferred that Neville’s understanding of interest theory followed classical republican theory. Unsurprisingly, it was in “the interest of England” to limit the royal prerogative (PR 185), but for the people at large a way to pursue public over private interests was traditionally difficult. For republicans like Milton the answer lay in education, but Neville acknowledged how people could be “corrupted by their own interest” (PR 183), and how it is “natural for every man not to do anything against his own interest when he can help it” (PR 184).

To some extent, Neville trusted in the power of persuasion. A cure of the current “politic debauch, which is a neglect of all things that concern the public welfare, and a setting up our own private interest against it,” could involve political rhetoric, but in the end “most of the wise and grave men of this kingdom are very silent” (PR 196). The main effort for Neville was to present the institutional reforms as a method of guiding the private interests of individuals towards the common good. With the new constitution, “the lords cannot have any interest or temptation to differ with the commons in anything wherein the public good is concerned; but are obliged by all the ties in the world to run the same course and fortune with the commons; their interest being exactly the same.” After the necessary reform, there was room for rhetoric between the upper and lower houses: “the lords may as well convince the commons, as be convinced by them: and these contests are and ever will be of admirable use and benefit to the commonwealth” (PR 194). Neville’s system had room for rhetoric when it was tamed and used in restricted setting.

For other republicans, demagogues and courtiers represented a serious danger, so we could expect to see them in Neville's theory as well. Thus, when Neville handled the definitions of government in Aristotle, he first gave a redescription of Aristotle's terminology: "he has not fitly called those extremes (for so I will style them) of aristocracy and democracy, corruptions." For Neville, extremes are more fitting terms, as it is "the alteration of property, which is the only corruptor of politics." In "the extreme of democracy," unsatisfied people could cause "anarchy" by "making their orators their leaders." In democracy the power could go to "any great person who could lead the people," but naturally, orators as such are powerless without an audience. This, "the major part" of the people, "are made the instruments oft-times of the ambition of the great ones, and very apt to kindle into faction." Neville did not show much faith in such an audience, which wanted to be pandered to, but seems to have had little inclination to be persuaded by "the wisdom of the better sort," as it was "made useless by the fury of the people." But even such "a state so full of confusion" could be long lasting: "many cities have subsisted hundreds of years in this condition," as was the case in "Athens, and in the modern state of Florence" (PR 101-2).⁶⁸⁰

In his presentation of the rule of the orators and the masses, Neville seemed to display a certain amount of ambivalence about its effects. Blair Worden has argued that even if Neville had "no taste for turbulence," as he "has observed the fruitless bitterness of civil strife and has no wish to return to it," his principles and impulses aim towards a "well-regulated democracy."⁶⁸¹ Put crudely, Neville favoured democracy, but not so to say 'demagocracy.' Nevertheless, at the same time Neville argued that even such a 'demagocracy' could survive and prosper. My argument is that this ambivalence is influenced by the difficult political situation in which Neville wrote his work. This led him to present rhetorical issues in not as pejorative a light as Hobbes had,

⁶⁸⁰ Neville wrote later about the Civil War era "how easily an army of natives is to be deluded with the name of liberty; and brought to pull down anything, which their ring-leaders tell them tends to enslaving their country" (PR 80). But again, he did not qualify explicitly whether those times and methods were truly regrettable.

⁶⁸¹ Worden, "Republicanism and the Restoration," pp. 149-151.

if not in a completely positive one either. Thus, the seeming indecisiveness about the role of rhetoric led in turn to its downgrading as an issue when compared to the topic of land reform.

This tendency is even more prevalent in Neville's appreciation of the other negative political aspect of abused rhetoric: flattery in a tyranny. This was obviously an aspect that suffered from little ambiguity in republicanism, and Neville pays due credit to the Tacitean understanding of the change of rhetoric according to the polity. When discussing the fame of the Gracchi, Neville attributes the brothers' later reputation as suffering from being "branded with the name of sedition." This muckraking was done by those "who prostituted the noble flame of poetry (which before had wont to be employed in magnifying heroic actions) to flatter the lust and ambition of the Roman tyrants" (PR 100).⁶⁸² Nevertheless, when discussing the present state of England, Neville was adamant that the "evil counsellors" and "the flattering divines,"⁶⁸³ were "not the causes of our misfortunes; they are but the effects" of the lack of proper land reform (PR 81, also 134).⁶⁸⁴

We can see how the focus of Neville's text returns to land reform, but why did he concentrate so much on the system? Outside land reform, Neville rarely reached similar conclusions as Harrington did – sometimes quite the opposite. It has been argued that the book was written in "an age devoid of both moral rigour and political or military greatness."⁶⁸⁵ Yet Neville gives a flattering image of the state of

⁶⁸² This poetry could easily be defined as epideictic rhetoric. Cf. also PR 86, for Robert Filmer as a flatterer of princes.

⁶⁸³ Neville was notorious for his negative approach towards the clergy: he could see them as flatterers as well as seditious preachers. In both senses it could be seen as "a usurpation" of political authority (PR 118). Neville's rare positive words about priests – "something may be said in their behalf" – was that conceivably they could instill "justice, wisdom, and goodness" in a monarch. Yet he would be an "imaginary prince," and when taking account of Neville's other views, most likely this was a highly theoretical supposition (PR 91). Cf. also the earlier note on religion.

⁶⁸⁴ For a similar view as "scapegoating" behind the economic argument, see Worden, "Republicanism and the Restoration," pp. 148–9.

⁶⁸⁵ Scott, *Commonwealth Principles*, p. 332.

England: “one of the most flourishing kingdoms in Europe, full of splendid nobility and gentry; the comeliest persons alive, valiant, courteous, knowing, and bountiful; and as well stored with commoners, honest, industrious, fitted for business, merchandise, arts, or arms; as their several educations lead them” (PR 79). The people’s capability for virtue was not questioned.

Neville’s point was that society did not require virtuous or educated citizens so much as a good system. For Neville, “it is the nature of all popular councils” in “turbulent times, to like discourses that heighten their passions and blow up their indignation.” This applies even to the wisest councils “that ever were,” as witnessed by “the people of Rome and Athens,” who were also traditionally praised for their virtues (PR 198). In the same vein, when the character of English Gentleman at one part of a dialogue assumes that Venice “must needs have ever enjoyed a succession of wise citizens” that ensured its longevity and prosperity, his interlocutor, the Noble Venetian, warns him not to over-value the wisdom of Venetians. According to him, their knowledge of and interest in politics, “that great science of the governing and increasing great states and cities,” is highly limited (PR 83). For Venice, political wisdom and virtue were not the keys to success, but rather their famous system.

Neville does not advocate forgetting about the value of education: “the politics, or art of governing, is a science to be learned and studied by counsellors and statesmen” (PR 111). However, such wisdom as well as the quality of the citizens is of secondary value. The defining issue is the “corruption of government,” which leads to a “depravation in manners.”⁶⁸⁶ Things might be better at the moment, but the future might see a “debauchery of manners” (PR 87).⁶⁸⁷ Neville generalised his insight into a general rule, “infallibly true,” of politics: “when we have leisure to examine all the states or policies that ever were, we shall find all their changes to have turned upon this hinge of property.”

⁶⁸⁶ Worden argues similarly that the “spiritual shortcomings” of the people are not the issue. Worden, “Republicanism and the Restoration,” p. 146.

⁶⁸⁷ Hence, Neville does not refer to contemporary England as a lost and corrupt state, but as one with the distinct possibility: “nothing is more certain than that politic defects breed moral ones, as our nation is a *pregnant* example” (PR 87, my italics).

Legislation based on this was “the only way to make a commonwealth immortal” (PR 100).⁶⁸⁸

Neville’s analysis brings to the fore an important question: did the problems of rhetoric lessen in importance vis-à-vis the question of free speech as a right in post-Restoration era? In one way, the answer must be no, as the same problems and questions are in some form with us to this day. At the same time, Neville’s work does seem to be neglecting the issue of rhetoric somewhat, at least in favour of more institutional answers to the problems involved. Although this topic is strictly speaking outside the scope of this study, it is worth considering – if for nothing else, then for possible studies in the future.

One approach to the puzzle is to reflect on the context where the theories were presented. Unlike in the Civil War conditions, censorship was stronger during the Restoration, the effect of which has to be taken into account in the interpretation of both the content and style of the political theories presented. And unlike in the Commonwealth era, republicans like Neville were arguing as the opposition, which forced them to accommodate their theories to the contemporary, monarchical situation.⁶⁸⁹

On this point many scholars agree, and some have argued that Neville and other contemporaries actually aimed at loftier republican

⁶⁸⁸ Here an important qualification should be made to another republican advocating an immortal commonwealth, James Harrington. Although Neville is justifiably seen as a neo-Harringtonian, Neville put his trust to much larger extent in the system (which also led to his being less hostile to rhetoric). One notable difference was in their perception of the system: Harrington saw his as a natural system, and objected strongly to it being portrayed as mechanical (*The Prerogative of Popular Government*, PW 430), whereas Neville could write without qualms on the “mechanical part of the government” (PR 106).

⁶⁸⁹ Nicholas von Maltzahn has poignantly put the point about the combination of these factors in the Restoration period: “even a republican like Henry Neville would present his proposals in a more accommodating language than that of Milton in commonwealth”: Nicholas von Maltzahn, “The Whig Milton, 1677-1700,” in *Milton and Republicanism*, eds. David Armitage et al., Cambridge: 1995, p. 234. For similar appreciation of Neville as “a negotiator, ready to compromise,” presenting “a cautious surface” so his “bold thesis [could] hope to win converts” since it was “unsafe to present a bold thesis frontally in Restoration England,” see Worden, “Republicanism and the Restoration,” p. 148.

goals then they wrote about.⁶⁹⁰ For Neville, this is fairly unproblematic: whether from a rhetorical point or deeply felt beliefs, we can say that Neville did indeed put his trust in institutions. Seemingly, Neville focused tightly on the Harringtonian land reform, so that all the previous problems would vanish under that. According to this approach, the solution is simply that in the circumstances where Neville wrote he had to shift the focus away from overtly republican topics, and not emphasising the rhetorical issues could be a way of avoiding claims of trying to raise, or favouring methods of raising, sedition.

There is much to recommend in this approach, as in the case of Neville, the argument that his work is characterised by demurral is quite feasible and sensible. Nevertheless, there still remain some unanswered questions: if Neville was following the tune of the times, why did he not attack demagoguery unequivocally? Furthermore, there can be added questions about other republicans. If Neville abstained from being antimonarchical, we can hardly say the same about Algernon Sidney.⁶⁹¹ Sidney had even less to say about rhetoric, he did not put his faith similarly in a political system, or even to education. His theory relied mainly on aristocratic virtues and anti-monarchism, for which he famously ended up in the gallows. It would seem fair to say that in his case omitting the topic of rhetoric in order to avoid repercussions, would have been extraordinarily incoherent in view of his other opinions – not to mention ultimately futile.⁶⁹²

My attempt at finding an explanation involves another aspect taken from the context: post-Restoration republicans did not focus on demagoguery and deliberation because they were not topical. Crudely put, this sounds simple to the point of being trivial, but this is in a manner an

⁶⁹⁰ Especially Worden, “Republicanism and the Restoration,” and Scott, *Commonwealth Principles*.

⁶⁹¹ Reasons of space inhibit me from a more thorough presentation of his theories, but his main works can be mentioned here: *Court Maxims*, eds. Hans Blom et al., Cambridge: 1996; *Discourses Concerning Government* [1698], ed. Thomas G. West, Indianapolis: 1996.

⁶⁹² Worden claims that Sidney “would have known better than to invoke the name of Milton or Nedham after the Restoration” – for all the good it did to him. Worden, “Republicanism and the Restoration,” p. 153.

advanced version of the classical Tacitean understanding of the role between rhetoric and the polity. For Tacitus, the fall of the Roman republic meant that there was no more room or use for political rhetoric, as the empire had use only for flattery. At the end of his *Dialogus de Oratoribus* (41.4), Tacitus ironically hails this as an advantage, as instead of public oratory and deliberation, the supremely wise emperor considers all political issues.⁶⁹³ This interpretation has been a commonplace of republican theories ever since, but it also yields an important insight into the republicans' own writings. Advanced Tacitean argument would be that in a state of freedom, rhetoric flourishes but its harmful aspects force theorists to find ways of limiting them, while in a state of limited freedom there is no room for rhetoric, therefore no reason to contemplate things such as how to prevent demagoguery.

In the public sphere of seventeenth-century England, the field for rhetoric in all its forms was open at stages during the 1640s and 50s, but afterwards dominated by reaction and censorship. There was hardly much reason or demand to tackle the issue of demagoguery in a republic, when there was no republic anymore – or yet. And similarly, speaking about the negative aspects of republican rhetoric would not be the optimal marketing tactic. This argument could give one explanation as to why the Civil War, the beginning and end of the Commonwealth and the period after the Glorious Revolution saw so much theorising about the benefits of rhetoric, and about the ways to reduce its harmful aspects.⁶⁹⁴ For those writers it was a topical issue, whereas for writers like Neville and Sidney, contemplation on such matters as demagoguery would have been – and was – of secondary priority, perhaps better left neglected than confronted. Their main task at hand was about how to get to a state of freedom or to a better society.⁶⁹⁵

⁶⁹³ Skinner, *Reason and Rhetoric*, p. 70.

⁶⁹⁴ “Cato’s Letters” are a pertinent example: John Trenchard and Thomas Gordon, *Essays on Liberty, Civil and Religious, and Other Important Subjects*, 2 vols, ed. Ronald Hamowy, Indianapolis: 1995.

⁶⁹⁵ One related concern to this was the highly topical issue of royal succession for Neville, who claimed it was “needless to make any provision against a popish successor, if you rectify your government” (PR 160).

On a final note, we can look into Neville's view of his own political theory. He posed a rhetorical question on "whether I could have offered anything that I thought better than this," to which the answer was pragmatically yes, but it "was the best, that the people would or could receive" (PR 200). This answer still leaves room for democracy, as in the aforementioned lesson from Aristides, but similarly, not under the present circumstances. Scott sees this as a "pessimistic note,"⁶⁹⁶ but pessimism can also be seen as pragmatism about the present, optimism about the future.

⁶⁹⁶ Scott, *Commonwealth Principles*, p. 334.

Conclusion

This study has been about the development of political thought concerning rhetoric and republicanism in the writings of five authors. In the end we can reflect on how their views relate to each other, and what lies behind the differences. There is no need to compare each one to the others in turn, but as we have seen, it is reasonable to assert that Harrington and Streater were close to each other politically, as were Hall and Milton. For the ever-elusive Nedham, a place could be found between the two pairs, advocating neither completely popular, nor completely elite, rule. It has not been the purpose of this study to engage in taxonomy of republicanism, and no attempt at such categorisation will follow. Nevertheless, if, for the sake of argument, we would assume such a heuristic axis for republicanism where the two couples were at opposite ends, what would explain the discrepancy in their arguments for free speech? As we shall see, and perhaps somewhat counter-intuitively, arguments for free speech are not necessarily connected with notions of democratic government.

If we use Milton and Harrington as representatives of the opposites, in one corner there is the writer of *Areopagitica*, and in the other, a writer who seems to have had no interest at all in freedom of speech as a question. Much of Harrington's writings are ripostes to other authors, but they are about the argument, and lack the common commentary about scandalous publications and whether they should be allowed. Indeed, the only instance where Harrington talks of anything resembling freedom of expression is in *Oceana*, when referring to poets and theaters:

These things among us are sure enough to be censured, but by such only as do not know the nature of a commonwealth; for to tell men that they are free, and yet to curb the genius of a people in a lawful recreation unto which they are naturally inclined, is to tell a tale of a tub (PW 354).

Certainly, this view of freedom as a lawful recreation, which should not be arbitrarily curbed, fits within the framework of republican liberty. Nevertheless, it is doubtful whether Harrington meant this to be a paean to free speech alone, since the context of poets and theaters has more to do with public morals and the role of women – poets and prostitutes both engage in what comes naturally, the effects of which are, to an extent, a matter for policy, but not the most pressing one (PW 355). The perspective of free speech as such gives us little to draw conclusions from, but a comparison of the views of Harrington and Milton on the duties of an orator could be more fruitful.

As we have seen, the virtuous orator was a commonplace in classical republicanism. He was someone who performs his civic duty by participating in politics, without regard to his personal interests, as a servant to the public. At the same time, the orator also had a duty to educate the public about the ideal common good and true public interest. Thus the republican orator must both serve *and* teach the people. This dual role entailed the requirements that orators must neither become slaves to the whims of the people – a recipe for anarchy – nor shamelessly pursue their own interests, which would equal oligarchy. This difficult balancing act between these two extremes allowed for the various strands of republican theory that have been under analysis.

Based on what has been presented, it would easily seem that when it comes to the role of virtue, ideals of citizenship and conceptions of duties, Milton and Harrington indeed represent the polar opposites in their respective brands of republicanism. It is not unfair to portray Milton as an undemocratic commonwealthsman, who did not put much weight on either constitutionalism or institutions, preferring to emphasise the values of learning, personal virtues and the civic duty to participate in common affairs. Nevertheless, his writings do present a republican citizen so faithful to the classical Roman ideals of citizen-orator, that even Cicero's description of the ideal citizen in the *De Oratore* has been described as an "almost Miltonic tribute."⁶⁹⁷

Despite claims to the contrary, Harrington did have a vision of an ideal citizen: he would most likely come from the nobility, but with

⁶⁹⁷ Skinner, *Reason and rhetoric*, p. 88.

the theoretical possibility for social climbers, and popular oratory as means to educate the public about their liberties. In turn, throughout his career Milton was unrelenting in his despair of the rabble, and used his mastery of rhetoric to the full when denigrating the rude multitude. Nevertheless, it has been argued that Milton's antipathy was rather an exhortation for the multitude to rise above themselves through education, so that everyone could realise their potential and thus gain full citizenship.⁶⁹⁸ Thus Milton would seem to support a wide and inclusive view of citizenship. However, it is difficult to see how the multitude would be able to realise themselves through education, considering that they were not to be given any. The ability to fully benefit from education cannot be found in everyone. As there was no explicit way for the populace to gain political learning as in Harrington's system, it is not easy to see where the population could get that learning Milton supposedly exhorted them to get – other than from reading, for example, Milton's own works, often written in Latin and manifestly not in a popular manner.

In the end, there were no great differences between Milton and Harrington when it comes to their views on the content, goal or beneficiaries of education. Accordingly, some of the duties of orators are similar to those of the Roman rhetoricians: oratory should be used for political deliberation in the assemblies and to defend the commonwealth and its actions. But the classical rhetoricians also included dealing with the multitude as one of the main duties of oratory, and this is where Milton and Harrington part ways. Not because of different views on education or the capabilities of the people, but on the question whether the orator's duty is deliberation only with councillors and nobles, or whether the orator's chief audience is the multitude.⁶⁹⁹ The different approaches between Milton and Harrington are clear in their explicit statements on what kind of results can be expected of oratory to the masses, and

⁶⁹⁸ Daniel Shore, "'Fit though few': Eikonoklastes and the rhetoric of audience," *Milton Studies* (45), 2005, and works cited therein.

⁶⁹⁹ Markku Peltonen, "Political rhetoric and citizenship in Coriolanus," in *Shakespeare and Early Modern Political Thought*, eds. David Armitage et al., Cambridge: 2009, pp. 236-8.

there Milton had a completely opposite view to Harrington. For Milton, the opinions of the multitude are irrelevant, so accordingly there is little need for managing their actions through oratory, or for taking their opinions into account in general.

My argument is that there are deeper, and hitherto neglected aspects in the political thought of Milton and Harrington that explain this discrepancy in the orator's duties, and which are not merely questions of faith or personal experience. These reasons are interrelated, but for heuristic purposes I have divided them into three. The first is the conception of authority. In Milton's view, authority is a function of office. If a man through his education, ethos, dignity, and so forth, was qualified to be an office-holder, and would duly follow the duties of the office in question, he had authority. If the office is gained through a procedure that pays no heed to the aforementioned qualifications, the authority invested in the office is lost. Milton thus dismisses the idea of elected officials being able to have authority, as being absolutely counter to the idea of office-holders being rightly qualified. The qualities would be lost, along with any authority, if the elections were held by majority votes of those not even qualified to vote.

The loss of authority would even take place if office-holders were to start paying more heed to the opinions of others rather than relying on their own. We have seen how much of Milton's prose and poetry revolves around characters who stay the course against the crowd. The qualification of wisdom and constancy against what others may think, gains even further in importance, when combined with duties of high office. Different offices required different qualities, but with the common one being the constancy against popular opinion. Popular oratory equals demagoguery, and since the duty of keeping one's authority requires precisely ignoring popular opinion, accordingly there is no duty for an orator to stoop to the level of demagogues.

Harrington's view of authority was somewhat of a novelty to his contemporaries, although it can also be seen as a part of his lone, systematic efforts "to translate the positive features of the Roman system into

the context of contemporary England.”⁷⁰⁰ Harrington’s conception of authority also entailed the qualities of right reason and learning, and, just as for Milton, it meant in practice the upper classes. The crucial difference to Milton is that Harrington’s conception does not focus on holding office, but to the general quality of having authority. Since both power and authority can be had without holding office, Harrington ends up with a completely different view of holding office from Milton. All of the offices in Harrington’s utopia, Oceana, are filled by election. The main idea, that Harrington argues is the key to the successful governance of a republic, is the check of a popular vote.

Harrington had an argument against the view found in the works of Milton, and Nedham as well, that consensual authority through elections would lead to a race to the bottom, as no-one would care for the common good but would choose the worst possible candidates. To Harrington, people capable of the *oikeiosis*-based reflection could be allowed to give their consent through elections, and also, they could, and should be addressed and instructed by the means of popular oratory as described. The system of checks and balances also explains why there is “no procedure for introducing a system of natural rights against the rule of parliamentary authority.”⁷⁰¹ Since the ‘power’ of the prerogative held the parliamentary authority in check, there was no need for an explicit taxonomy of rights, which would include a right to free speech.

The second reason for the differences between Milton and Harrington has to do with the relationship of law and education. As already presented, education had an important role for both Milton and Harrington, but we must consider education also vis-à-vis its relation to the role of laws in a society. The figure of the orator fits between these two ideal extremes: in a completely learned environment rhetoric would be unnecessary. Similarly so in a republic governed completely by law,⁷⁰² and when formulae and precedent present solutions, there is

⁷⁰⁰ Fergus Millar, *The Roman republic in political thought*, Hanover, NH: 2002, p. 99.

⁷⁰¹ Rogers, “Harrington, Locke and Aristotle,” p. 149.

⁷⁰² Francesco Patrizi in *Della retorica*, quoted in John Monfasani, “Humanism and Rhetoric,” in *Renaissance Humanism: Foundations, Forms, and Legacy*, vol. 3, ed. Albert Rabil, Jr., Philadelphia: 1988, p. 210.

less need for argumentation from probability.⁷⁰³ It has been argued that the republican view of liberty, where “lives are regulated down to the tiniest detail, but always in strict accordance with commonly-known, non-arbitrary rules and procedures,” would not make for a community where most would want to live “and this suggests that we do indeed place some independent value on non-interference.”⁷⁰⁴ However, it is precisely this kind of nightmare vision that republicans had in mind when they were defending rhetoric against extensive legislation – although licence had its dangers, it was a lesser evil to the alternative of its absence through totalitarian control.

It is in this context of the political reality of a republic, that the orators were needed, either as the necessary evils or counterweights to the idea of total legislation. This latter view has been argued recently from the perspective that politics should be conducted with trust in the possibility of beneficial persuasion, and being persuaded while holding on to independent judgment. If the alternative is to prefer procedures and the force of legislation in every field, the legislation by default is seen to gnaw at freedom, since it takes away the possibility to make independent judgments.⁷⁰⁵ However, this understanding of law against liberty relies on a specific understanding of liberty as opposite to a constraint – that is, negative liberty. Thus the argument made against runaway legislation is not straightforwardly applicable to republicanism, where commonly agreed laws were considered guarantees of liberty rather than limitations of it. Yet at the same time, neither should it be assumed that the republican conception of liberty sees laws only as necessary bondage. The connection was far from being simply a binary opposite understanding of the role of laws for liberty. The longstanding recognition, dating back to Tacitus, was that excessive legislation could result in corrupt government, and that the republican aim was for optimal laws: laws that would be equal, necessary and as few as possible but not any fewer – a tradition to which Harrington belonged. One argument

⁷⁰³ Kennedy, *Classical rhetoric*, p. 129.

⁷⁰⁴ Frank Lovett, “Republicanism,” in *The Stanford Encyclopedia of Philosophy* (Summer 2010 Edition), ed. Edward N. Zalta, 2010.

⁷⁰⁵ Bryan Garsten, *Saving Persuasion: A Defense of Rhetoric and Judgment*, Harvard: 2006.

for the scarcity of laws was the fear of excessive litigation, and the more insidious claim was that numerous laws were sign of a corrupt form of government. Without legitimacy the laws were empty – as in tyrannies – or, they were multiplied endlessly in an anarchic democracy.

Milton had only low expectations of public instruction, and his understanding of the roles of law and education shed further light on his views. Milton had much less faith in the capacity of legislation to deal with political problems as they rose, and much more faith in the capacity of virtuous, well educated people to deal with such contingencies. This is the background to the argument for free speech in *Areopagitica*, where Milton presented his mitigating factors that should give pause to over-enthusiastic banning of books – that is, of legislating what should be allowed for reading, rather than leaving it to individual judgement. An audience of well-learned, good men could see right reason for themselves, so not everything needed to be regulated by laws.

Milton took this argument further in the *Second Defence of the People of England*, with the Tacitean claim that “there are often men in the state who itch with a kind of lust to promulgate many laws” and “the greater the number, the worse in general is the quality of the laws.” Numerous laws would forbid “that which should be free for good men” and “only those laws that are essential” should be retained. But unlike Harrington, Milton presses the division between good and bad people, as laws were needed “against the wiles of the wicked,” but they should “not forbid actions of themselves licit, merely because of the guilt of those who abuse them.” Against the tendency to legislate, Milton argues that “nothing can so effectively mould and create virtue as liberty.” However, for Milton, the rewards of learning virtue through liberty should be kept to those “who have already acquired learning, those who already deserve the reward.” The good do not need extra laws, and those to whom laws are necessary are beyond the reach of public oratory (CPW 4:678-9).

The tendency in Milton’s approach to laws is to advocate strongly the good and the virtuous above all. This tendency brings us to the third and final reason behind the discrepancy in the orator’s duties – the nature of power. Milton’s disdain for legislation in general, and also

to any popular remedies, checks and balances, and election to offices, relies heavily on the assumption that office-holders will do their duties, and nothing else – that is, they would not abuse their offices. Milton was not so naive as to assume that learned cannot but be good, and that any office-holder could be held accountable. However, in much of the republican theory, being in a position of power by itself has a corrupting influence, and accordingly there are a number of means to try and guarantee that office would not be abused: rotation of offices, term limits, and other checks and balances. Milton ruled out any such popular remedies, when presenting his sole institutional proposals in 1659. Not only did that go against the grain of most republican theory, but even his own admirers, like John Hall of Durham, who would otherwise agree with Milton's brand of republicanism, promoted rotation of offices in principle. There is obviously a pragmatic edge to the argument that the alternative would be worse, but the sidestepping of the corruptive nature of power is audacious to say the least. For Milton, the paramount quality in holding office-holders accountable is simply whether they do their duties – any other pre-emptive measures, and especially those relying on popular consent, are potentially dangerous and redundant at best.

Harrington, on the other hand, did see the possibility of corruption – nowhere more clearly than in his recognition that if those who have the authority gain the power as well, they will become self-servingly corrupt. With checks and balances, rotation of offices, the division of power and different responsibilities therein, and without excessive, corrupting wealth, such threat from factions could be avoided. Through these measures, parliamentary deliberations would be aligned to the shared, common interest, to confine the senate to follow the guidelines of virtue, rule of reason and common good in their debates on the commonwealth. Duties of office alone would not prevent corruption nor guarantee peace. For Harrington, duties were one factor among many, whereas for Milton they were the fundamental building blocks of a well-working republic.

However, the conclusion to be drawn from here is counter to the views that Milton was the true classical republican and Harrington the

harbinger of modernity. It turns out that Harrington is closer to the ideas of classical republicanism, where power was something to worry about, where duties played a correspondingly important, but not sufficient, role, and where managing the masses was an important duty of the orator. In comparison, Milton, who brushed aside worries about the corrupting nature of power, asserted so single-mindedly the importance of duties, and left out the orator's duty to manage the opinions of the multitude, seems to belong to a completely different brand of republicanism.

Finally, we may note how in general, the manner in which the seventeenth-century republicans handled rhetorically related topics of political theory – persuasion through judgment, decorum, prudence and favouring pragmatic approaches – accord well with some of the critiques made about deliberative democracy.⁷⁰⁶ The idea that citizens' votes should reflect their 'informed decision' is something we recognise from Milton, but if the correct choices are already known by the proposers of the vote, Milton probably would have asked why bother with the voting, when citizens could simply be 'informed about decisions.' Milton's republicanism might seem odious, but at least it had the virtue of honesty.

⁷⁰⁶ See Fontana et al. *Talking Democracy*; Garsten, *Saving Persuasion*, pp. 175-6, 187-91.

Appendix

James Harrington, Letter to the Royal Society (1676?)

British Library MS Add 72898, Petty Papers vol XLIX, H 21, f 33.

I James Harrington hauing, to my certaine knowledge, mastered a cleare and easy experiment (in my conscience, more intimately concerning the good of man kinde then any other hetherto contained in the writings or known experience of any of the Philosophers) did wthin the compasse of March 1675 ~~mak~~ according to my duty make offer of the sayd experiment to Mr Boyl, S^r William Petty and by the mediation of the latter to S^r Christopher Wren (three of our most famous philosophers) upon no harder or more troublesome conditions then thus

That hauing no conveniences of my own they would furnish me some fit place to shew it in, as also wth an instrument to shew it by.

For the place I proposed it might be some open ground or rather some flat rooffe of any building (such for example as the painted chamber), of w^{ch} kinde S^r Chr: Wren being his Ma^{tys} Surveyour generall, hath the command of many.

For the instrument I assured them it could not cost them aboue six pounds, for w^{ch} I offered them security, in case I fayled of shewing them undenyably the experiment offerd, to repay double the mony it should cost them

Now my offer unto these gentilmen going (wth me) upon case of conscience; I most humbly desire them that (for my discharge hereafter) I may haue their categoricall answere in writing to this present paper

James Harrington

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